



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

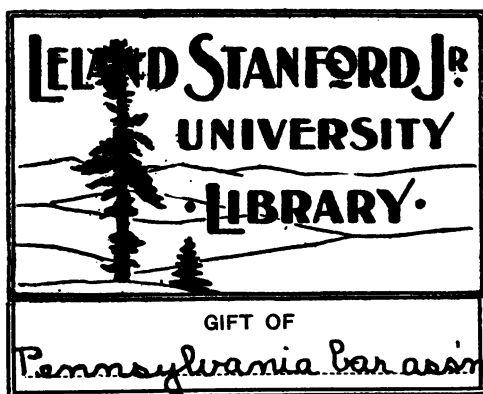
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



111

REPORT

OF THE

Twentieth Annual Meeting

OF THE

Pennsylvania Bar Association

HELD AT

ERIE, PA.

June 30, July 1 and 2, 1914

STANFORD LIBRARY

PHILADELPHIA
PRINTED FOR THE PENNSYLVANIA BAR ASSOCIATION
1914

203049 ✓

PRESS OF
GEORGE H BUCHANAN COMPANY
PHILADELPHIA

ORIGINAL

Digitized by Google



HAMPTON L. CARSON

Program

The Twentieth Century
Bar Association will meet
at Hotel Lawrence at 10:30 a. m.
L. CAYSON in the chair

FIRST DAY, AFTER LUNCHEON

The PRESIDENT of the Association will
be in the chair

PRESIDENT'S ADDRESS

I am going to tell the story of the struggle of
sand years, a struggle to establish the independence of
judiciary in a plain sense, a doctrine of
accepted by the majority as held by
and in
in practice and in theory, a doctrine which
correct, and these are a remarkably correct
a fault upon a written Constitution,
designed by wisdom, and followed by the
our best and oldest mores in our judicial life.

I shall endeavor to demonstrate that
stitution is a part of our past and of our
sage, a thing of growth and of hope, a thing
a new stage of social development to redress the judicial



W. L. NELSON

Twentieth Annual Meeting

OF THE

Pennsylvania Bar Association

ERIE, PA., Tuesday, *June 30*, 1914.

The Twentieth Annual Meeting of the Pennsylvania Bar Association was called to order in the Assembly Room of Hotel Lawrence at 2 o'clock p. m., President HAMPTON L. CARSON in the chair.

FIRST DAY, AFTERNOON SESSION

THE PRESIDENT: The Association will please come to order.

PRESIDENT'S ADDRESS

I am going to tell the story of the struggle of a thousand years, a struggle to establish the independence of the judiciary in the American sense; a doctrine now violently assailed by sciolists, insidiously assailed by doctrinaires, and recklessly assailed by noisy agitators. Evils there are in practice and in administration which it is our duty to correct, but these call for a remedy far different from an assault upon a written Constitution, built upon experience, designed by wisdom, and hallowed by the services of the purest and ablest names in our judicial history.

I shall endeavor to demonstrate that our present Constitution is so much a part of our past as to be like our language, a thing of growth and of history. It marks a ripened stage of social development to reduce the judicial

attributes of the Sovereign—whether that Sovereign be King or People—to a legal fiction, and effect a complete separation between executive, legislative and judicial functions, so that the latter, while done in the name of the Sovereign, are vested in a distinct department constituting a permanent magistracy. I propose to trace the Evolution of the Independence of the Judiciary, because I have noticed that in recent discussions, little or no attention has been paid to pregnant historical facts that prove that ours is not an ancient nor an outworn creed, but that it has been built up from the practical experiences, the sufferings, and the martyrdoms of the English race, century by century, and now, emerging from the ocean of time like an upheaved continent, is fit for the habitation and protection of men against the ambitions, the passions, and the self-violences of the past.

I shall show that between the past and the present there is a sharp contrast growing out of an absolute reversal of conditions. At the outset judicial functions were a part of the royal prerogative—a part of purely administrative or executive functions; hence the Judges were but the personal representatives of the King, and executed royal decrees. There was and there could be no judicial independence. This condition lasted for more than five hundred years. Then came a period of transition, with a dawning sense of responsibility to the law, and the birth of the doctrine that the King was subject to the Law, culminating in a struggle much prolonged between the Judges and the Crown, and the ultimate release of the Bench from bondage to the Throne. Finally, came the American theory, based on written Constitutions, with nice, but well-marked distinctions between executive, legislative, and judicial powers; constituting in a very real sense the most precious product of the wisdom of the ages.

Our starting point is the reign of Alfred the Great, whose annalist, Asser, tells us that the King inquired into

the correctness of the decisions of his judicial officers, and threatened them with removal for their ignorance, or disregard of law. A stricter control is attributed by Baker, in his chronicle, to Edgar, the grandson of Alfred, who severely punished his judges if they were found to be delinquents. Henry Adams, in a carefully prepared essay upon Anglo-Saxon law, based on the recent exhaustive studies of the great German scholars, concludes that the Kings exercised a right to direct the Judges in the discharge of their delegated functions. Point and color are supplied by a writer of the thirteenth century. In *The Mirror of Justices*, which Lord Coke calls "a very ancient and learned treatise of the laws and usages of this Kingdom," we are told that Alfred hanged forty-four Justices in a single year. The names of the Judges, the names of the victims, and the character of the offences are specifically given. The Judges were hanged for sentencing men who had been acquitted; for disregarding irregularities in jury service; for sending a madman and a minor to death; for sentencing a man for an offense committed by his wife; in ten cases for usurpation of jurisdiction, and in one case for accepting the record of a Coroner. In short, as *The Mirror* sums up, Alfred "hanged all the Judges who had falsely saved a man guilty of death, and had falsely hanged any man against law or any reasonable exception." In lesser offences the King did not meddle with the judgments, but disinherited and removed the Judges whenever he perceived that they had overleaped their jurisdiction, or had concealed fines due to the King, or had released or increased punishments contrary to law, or had disallowed reasonable exceptions of the parties to the judgment. These royal acts are dwelt upon, by way of warning to Lord Chief Justice Scroggs, in another curious book published in 1680, entitled *The Triumphs of Justice over Unjust Judges*.

Maitland challenges the authority of *The Mirror* as a law book, but does not deny the right of a King in Saxon

days to control his Judges. In opposition to Maitland's view, what strikes me as most significant is that for seven hundred years *The Mirror* was accepted as of the same authority as Bracton, Britton, Fleta, and the Year Books, as evidence of ancient law. Lord Vaughan in *Bushel's* case, expressly dwells upon the fact that *The Mirror* gives the particular names and offences of the judges, and tersely adds: "which could not be had but from the records of those times." Coke, Hale and Blackstone—to say nothing of a host of minor writers—may be searched in vain for any exclamation of surprise, protest, denial, or even qualification of the statements of *The Mirror*. Professor Robinson, the most recent editor of the book, with full knowledge of Maitland's view, declares "it seems incredible" that the author "should have made so violent and specific an attack upon the English Bench of his own day, unless his statements of the law, and of its violations were in harmony with the traditions and experiences of the people to whom it was addressed."

Hence we may reasonably conclude that in the days of Alfred an independent judiciary was not only unknown, but under existing conditions was impossible. An aggravation of this situation sprang up in the later Saxon period. Edward the Confessor granted jurisdiction to certain private tribunals of the Church, and this was stretched to the establishment of private tribunals generally, until England became covered with new courts of law. Gradually the simple system of early days became overgrown with judicial functions of the most diverse nature over jurisdictions much confused. Later, everything became imprisoned in a new theory of society known as Feudalism, in which there was no room for independent judicial action. Still later came William, the Norman, and the fetters were clamped and riveted. At that time, in fact, as well as in theory, the King was not merely the Chief Lord of the realm, but was also the Sovereign and the Fountain of

Justice. He was King, Priest, Warrior and Judge. The liege men of his kingdom brought their complaints or causes before him as supreme arbiter or judge to be determined in his Court or palace, the *Aula Regia*. Wherever the King sat, there was the seat of supreme judicature. These causes were judged by the King himself, or else, when absent, as often happened in war, or during a crusade, by his representative the Chief Justiciar or by others, styled justiciars. In the King's absence, the justiciars exercised a power that was regal. Even when absent, the King did not lose his hold, for by writs *de ultra mare*, he would direct what should be done in certain cases, or suspend the judgment of his justiciars until his return. Illustrations may be found in Dugdale's *Origines Juridicales*, and in the chapter upon the Judicature of the King's Court in Madox's *History of the Exchequer*.

But disintegrating influences were at work. Seventy years after Domesday Book had been compiled, the County Courts, the Hundred Courts, Courts of the Manor, Courts Baron and Courts Leet had become completely feudalized. The lordly owners of the fortresses and castles that studded the land exercised criminal jurisdiction without appeal and maintained their private dungeons and private gallows. During the anarchy of Stephen's reign, the blight upon royal authority attacked the Shire Courts, and the Sheriffs, formerly judicial officers, gave way to Norman *vice comites*. Where a district had been annexed to a fief the trampled peasants could no longer appeal to the Hundred Court and the freemen of the vicinage, but sought justice of the baron's court, and paid their fees to the baron's treasury. Revenues, as well as the right to administer justice, were fast slipping from the throne. Then came a King of masterful spirit, and undoubted genius, Henry II, surrounded by able men. Of these one of the foremost was Glanville,

the chief justiciar, and the author of the first systematic treatise upon English law. In his book based upon eighty-six writs, which astonish us by their common sense, their directness and their persistency, we may trace the steps by which the King laid his hand upon the confused mass of popular and feudal courts. He made the King's Court, the common court of the land. He determined its jurisdiction as against the Church, the Lords and the Sheriffs. He established it as the guardian of the King's peace. By writs of removal which ran from Lord to County, and from County to King, he unified the law. By the extension of the institution of *iters* he sent his judges out upon circuit, and thus brought each part of the kingdom under direct control. By writs of right, of disseisin, of mort d'ancestor, he laid the basis of modern land-law. In place of the ordeal, compurgation, and trial by battle he provided the Grand Assize which later ripened into trial by jury. By writs of prohibition he confined the ecclesiastical courts to questions of marriage and legitimacy, of wills, and to disputes involving only ecclesiastical questions. As Glanville tells us "he crushed the insolence of the violent and intractable by the force of his right hand," and the effect was that "none of the Judges had so hardened a front, or so rash a presumption as to dare to deviate from the path of justice, or to utter a sentence in any measure contrary to the truth."

This striking statement soon ceased to be true of either King or Judges. In the seventy-five years that followed, the Crown became rapacious and the Judges servile and venal. The Pipe rolls of the Exchequer, as digested by the industrious Madox, disclose shocking extortions. I do not allude to the fines attached to the right of wardship, nor to licenses to marry, nor to alienation, nor to those relating to offices, franchises, liberties and trade, but to fines paid for the King's favor, for his protection and aid,

for his mediation, or for the remission of his anger; to fines paid to have justice and right, to have proceedings or judgment speeded, or to have proceedings stayed, the parties sometimes outbidding each other according to their interests, by fines and counter fines. I allude to fines paid for the right to sue in a certain court, or to implead a certain person, or to have actual restitution of land recovered at law; to fines paid for the King's help against the adverse party. It was this flagitious sale of judicial redress which led to the insertion of the words into the twenty-ninth chapter of Magna Charta. "We will sell to no man, we will not deny or delay to any man, justice or right"—words which stamp with infamy the government under which they had become necessary. Doubtless it was in view of conditions then but recent that Bracton in three pages, which read like a bull of excommunication, denounced upon evil judges furnaces of fire, groans and howlings, fear and pain, darkness and fetid smells, twistings and prickings, hunger and thirst, sorrow and terrors, sulphur and blazing fire forever and ever. At the same time he rebuked the presumption of the unwise and unlearned who ascended the judgment seat and attempted to fly before acquiring wings.

During the reign of Henry III, whom Hallam calls "a worthless prince, who without committing any flagrant crimes was at once insincere, ill-judging and pusillanimous," the law underwent a notable and beneficial change. The weak character of the king, his long reign of fifty-six years, and his forbearance to interfere personally with questions which had become complicated, gave a happy opportunity for the growth of strong men in the law. The regulations of the mighty Henry II, the controlling effect upon practice of the treatise of Glanville, the provisions of the Great Charter in favor of personal liberty and the purification of justice, the establishment of the Common Pleas at Westminster, in place of the burdensome necessity

of suitors following a wandering king, one of whom—John—tried them to the uttermost, by dragging them to twenty-four different seats of justice in a single year, the devotion of an increasing body of men to the problems of the law, and finally, and most influential of all, the composition of Bracton's noble work *De Legibus et Consuetudinibus Angliæ*—a work which was to rule English legal thought until the days of Littleton and Coke,—all powerfully contributed to the growth of the Common Law as a system based upon precedent and embodied in the rulings upon circuit of men like William Raleigh an ancestor of the famous Sir Walter, and Martin de Pateshull, embalmed in Bracton's Note Book as an important source of his monumental treatise, and recovered for us but recently by the Russian scholar Vinogradoff. The growth of the business of the *Aula Regia*, now known as the *Curia Regis*, the gradual drawing off of pleas both civil and criminal affecting the crown from the purely private business of subjects, the peculiar affairs of the Exchequer, and the undefined but roving and active jurisdiction of the Chancellor all paved the way for the coming of "The Greatest of the Plantagenets," "the English Justinian," Edward I. The natural litigiousness and subtlety of the Norman mind, steeped in the philosophy of the schoolmen then in vogue, produced a fermentation in the affairs of State which called for the intervention of an orderly, regulating, and controlling mind. It is difficult to ascertain with precision when the division of the courts took place, or rather when the general jurisdiction of the *Curia Regis* was split up and apportioned. It is a movement, or rather a series of movements beginning with Henry I in the early twelfth century and not culminating until the fourteenth century had well begun. But it is certain that Edward I by his zeal for efficiency and his skill in definition gave a determining direction to the complete separation from each other of the three Courts of Common Law—the King's Bench, Court of Com-

mon Pleas, and Court of Exchequer, with separate staffs of judges, each presided over by a special chief judge, and with special spheres of activity, which did not overlap or encroach upon each other until centuries had passed. Certain it is also, that by the great statutes of Westminster, Gloucester, and Marlbridge, and especially through the treatise of Britton which was promulgated by royal authority, and spoke in the King's name, more was done in settling and establishing the distributive justice of the kingdom than in all succeeding reigns together until the time of the Commonwealth, as Sir Matthew Hale does not scruple to affirm.

But the most dramatic chapter in the history of English Middle-Age law was Edward's treatment of his judges. On his return from a three year's absence in Gascony, actuated by cupidity and a need of money, according to Lord Coke, but, according to others, aroused by the *clamor miserorum* crying shame on the savagery, injustice, and venality of royal officers, big and small, he dealt the whole body of judges a resounding blow. Hengham, the Chief Justice of the King's Bench, was fined 7000 marks, which went to build a clock whose strokes could be heard as a warning to all who thereafter sat in Westminster Hall; Weyland, the Chief Justice of the Common Pleas sought sanctuary, was starved out, abjured the realm, and after his flight, forfeited all his property to the Crown; Rochester, an itinerant justice, was held in the Tower until he had paid 4000 marks; Brompton was fined 6000 marks; Bray a special justice of the Jews, was rescued from drowning in the Thames and then tried to dash his head against a wall; another, whose identity has not been established, was thrown into the Fleet Prison, and there composed the treatise known as *Fleta*; others no less than thirty in number, including barons of the exchequer, puisne judges of the King's Bench and Common Pleas, bishops, constables, sheriffs, escheators, and clerks were deprived of their offices and heavily fined. The chroniclers and his-

torians applaud the royal acts, and all, including even a recent writer, accept without hesitation the case against the judges as "fearful" but give no detail of their crimes except that they were "corrupt and for bribes would release the robber and murderer." Until ten years ago this condemnation stood without palliation, then discovery was made of two ancient rolls containing the official proceedings, which have been published under the title of State Trials of the Reign of Edward I. An examination of these removes the lurid tints from the canvas, and the avaricious and ferocious villians painted for us by the chroniclers, resolve themselves into a shadowy group, the great offenders, except in Weyland's case, acquitted by the record of heinous crimes, and the petty sinners convicted of acts common to bum-bailiffs at all times. The Pipe rolls, however, record the payment of enormous fines, and go far to justify the views of Coke. The feature pertinent to the present paper is that the higher judges were fined for error, favor and maintenance, for refusal to allow exceptions to special pleas, for rough intimidation of the parties, and for irregularities allowed in the pleadings; while the sheriffs, constables, bailiffs and clerks were fined for failure to execute writs, the exaction of oppressive fees, and miscellaneous acts of violence. Hengham, the Chief Justice of the King's Bench, who cleared himself in five out of nine accusations, was regarded by mediæval tradition as harshly used. The story ran in the reign of Richard III, that his main offense was that through pity for a poor man, he had erased from the roll a fine of 13s. 4d. and substituted 6s. 8d. for it. The tradition of the clock has been frequently referred to by judges who were urged to alter a record, one of them, Southcote, in the reign of Elizabeth, declaring that he did not care to build a second clock tower. Such was the terror inspired by the severity of Edward I, as Coke, Hale, and Blackstone tell us, that succeeding judges, through a fear of being said to do wrong, hesitated at doing what was

right—a pregnant commentary upon the lack of judicial independence in those days and its causes. The extent to which an impression was made upon the minds of the laity is indicated by a satiric piece of mock parable called *The Passion of the Judges*, in which the writer—some clever legal clerk perhaps—made king and culprits alike speak in Scriptural words, and act out their parts. Judicial pillage was commanded by the King:—“*Ite, colligite fragmenta ne pereant,*” go, gather up the fragments that nothing be lost.

In the days of Edward II, the delays of justice seem to have been grievous, and the murmurs became so loud that the king felt it necessary in November, 1315, to issue a personal mandate to all the judges of the courts at Westminster to attend more regularly to the dispatch of business, and not to be absent without special command; the judges too, were to swear “not to take any gift from anyone for a plea or other matter before them, unless it were meat and drink for the day.” In truth, the temptation to demand or accept bribes, which was a common complaint for three hundred years, was largely due to the meagreness and uncertainty of official compensation; the salary of the Chief Justice of the King’s Bench being £33-6s.8d., the Chief Justice of the Common Pleas 100 marks, the Chief Baron of the Exchequer £90 per annum, with uncertain allowances for robes, and various stipends for meat, wine, and candles.” A political song of the day complains that:

“The clerks who sit beneath the judge are open mouthed as he,
As if they were half famished and gaping for a fee.”

In the reign of Edward III, the victor at Crécy and Poitiers, several instances occur of the removal of judges upon charges of bribery, and their subsequent reinstatement, but the chief offender and the chief sufferer was William de Thorpe, the Chief Justice of the King’s Bench, who was charged with malversation in office. A com-

mission was appointed to try him, and he admitted taking bribes, aggregating £100 from five men who had been indicted before him. Whereupon he was committed to the Tower, and his lands and goods were seized by the Crown. The King was dissatisfied, took the matter into his own hands and pronounced a sentence of death. Foss, the best of judicial biographers, remarks that while the judicial oath not to take bribes had been violated, an offense not involving death by any law then existing, the King endeavored to enforce a capital penalty by declaring that Thorpe had made a personal declaration to him after he had been sworn, that he should be hanged if he infringed it. The King subsequently sent the matter to Parliament for confirmation, and that body while confirming the royal view, expressly provided that "this judgment should not be drawn into example against any other officers who should break their oaths, but only against judges that violate their oaths, having the laws of England entrusted unto them." Whereupon the King, satisfied by this exercise of his authority and its confirmation, remitted the death penalty and restored the judge to the bench, by appointing him to a subordinate seat in a lesser tribunal.

The extreme, and to us startling, result had been reached, however, that Parliament, without a statute defining the offense and affixing a penalty, but by mere confirmation of a royal sentence pronounced personally upon a case not within the terms of any existing law or custom, denounced the penalty of death upon a judge, who in the king's opinion had violated his oath. The next year—25 Edward III, Parliament debated whether the judgment was legal, and unanimously declared that it was "just and according to law, and that the same judgment may be given in time to come upon the like occasion." Which case, the writer of the screed addressed to Lord Chief Justice Scroggs in 1680, humbly "conceives, resolves the case in

law point blank, thus, That it is death for any judge wittingly to break his oath in any part of it."

A bloody harvest was soon reaped. In the reign of Richard II, Robert Tresilian, the Chief Justice of the King's Bench, against whose judicial conduct in civil matters no complaint was made, became involved in the factional conflicts which distracted England during the War of the Roses. Parliament had awarded a commission to twelve peers to inquire into the management of the royal household, the revenue, and the courts of justice. The Chief Justice, with the aid of Brambre, an Alderman of London, the Dukes of Ireland and York, and De La Pole, the Chancellor, who had been impeached and convicted, suggested to the King that this commission trenched upon his royal power, and was derogatory to the Crown. Whereupon Blake, the King's Counsel, drew and presented an indictment against the Commissioners for conspiracy to subvert the throne. Before trial the King personally demanded the opinion of the two Chief Justices, the Chief Baron and the six judges of the Common Pleas as well as the King's Sergeant upon questions drawn by Blake, whether the commission was derogatory to the Crown, and whether the persuading and urging the King to consent thereunto in Parliament, was treason? Both answers were in the affirmative. An upheaval occurred in Parliament and the tables were turned. Tresilian and his associates were impeached in thirty-nine articles charging the accused with deceiving the King and that the subordinate judges had been coerced by violence into giving illegal advice. Of eighteen defendants eight were executed. Tresilian, Blake, and two others were drawn on sledges from the Tower to Tyburn, and there hanged; four others "had the favor to be beheaded." Of the remaining ten, three died as fugitives in foreign lands, and seven, of whom five were the judges who pleaded coercion, saved their lives by consenting to banishment under a penalty of death in case of return. The usual forfeitures and confiscations of lands and goods fol-

lowed acts of attainder, which were reversed when the King again controlled Parliament, but were again revived and confirmed on the accession of Henry IV.

Here the First Act of the Drama closes. We mark as its leading features a narrow theory of royal authority, the absolute dependence of the judges upon royal favor, their liability to be dismissed, fined, imprisoned, or hanged, at the royal will, or upon the success of their parliamentary enemies. We mark also the uncertainty of judicial compensation with its dangerous temptations, and the consequent servility, venality, cowardice, corruption, artifice, and political intrigues of the judges. Such was the black spawn of "the Double Night of Ages, and of her, Night's daughter, Ignorance."

The curtain rises upon the Second Act, and light breaks through the gloom.

The first rays of the dawn are to be found in the character and conduct of William Gascoigne, appointed Chief Justice of the King's Bench by Henry IV, in November 1400. He affords the first conspicuous example of judicial honesty, independence and courage. When Scrope, Archbishop of York, and Mowbray, Earl Marshal, were taken in rebellion, the King commanded the Chief Justice to pronounce on them a sentence of death. Gascoigne resolutely refused, saying: "Neither you, O King, nor any of your subjects, can, according to the law of the realm, sentence any prelate to death; and the Earl has a right to be tried by his peers." The King, however, was not to be stopped, and he found a willing instrument in Sir William Fulthorpe, a Knight of Yorkshire, but in no way connected with the law. Some years later, Prince Hal—the fiery Hotspur—who as Henry V conquered at Agincourt, on the arraignment of one of his servants for felony before the Chief Justice, imperiously demanded his release, and having been rebuked for his interference, angrily drew his sword on the judge. He was checked by the dignified demeanor of Gascoigne

who reminded him that his conduct was an affront to the law and to the King as represented by himself, and ordered the Prince into custody. The Prince submitted, and when the incident was reported to the King, he exclaimed: "How much am I bound to your infinite Goodness, O merciful God, for having given me a judge who feareth not to administer justice, and a son who can thus nobly submit to it."

But besides manifestations of individual character, it is cheering to observe a radical change in the doctrines of the law. As far back as Henry II's time, Bracton had sowed a thought which had lain dormant for two hundred years and now sprouted into sight. He had written of the King that: "He has no peer in his own Kingdom, since equal has no power over equal; also, much less has he any superior, for so he would be inferior to his own subjects, and inferiors cannot be equal to their superiors. But the King himself ought not to be subject to man, but subject to God and to the law, for the law makes the King. Let the King, then, attribute to the law what the law attributes to him, namely dominion and power, for there is no King where the will and not the law has dominion."

These words in the days of the Stuarts supplied matter for fierce contention, but Spelman, the legal antiquary of the reign of James I, tells us that Gascoigne, in interpreting a Statute of Richard II, had made a "remarkable" point, "that the King hath committed all his power judicial to divers courts." Here then was the first blossom of Bracton's doctrine which afterwards ripened into the general principle that the King could do nothing in his public capacity without the agency of responsible ministers. As Oliver St. John subsequently put it: "Although his Majesty is said to be the fountain of Justice, and although all the justice within the Kingdom flows from that fountain, yet it must run in certain and known channels." Historic confirmation of the basis of Gascoigne's

ruling is to be found in that exquisite treatise *De Laudibus Legum Angliae* of Sir John Fortescue, Lord Chief Justice and afterwards Chancellor to Henry VI, where in the famous dialogue between the Chancellor and the unhappy Prince Edward, who was afterwards stabbed to death by the hunch-back Richard and "false, fleeting perjured Clarence" in "the field near Tewksbury," the Chancellor removes the scruples of the Prince over the difficulties of knowing the law, by saying: "It will not be convenient, by severe study, or at the expense of the best of your time, to pry into nice points of law; such matters may be left to your judges and counsel * * *. You will better pronounce judgment in your courts by others than in person; it being not customary for the Kings of England to sit in court, or pronounce judgment themselves; and yet they are called the King's Judgments, though pronounced and given by others."

These words of one so high in authority, and himself experienced as a judge, are indicative of a decided change from the days of John and the Edwards, and furnish a fair basis for concluding that the judges had then acquired a firm foothold upon ground peculiarly their own. As Mr. Foss remarks in his survey of the reign of Henry VII, which marked the end of civil strife between the Houses of Lancaster and York, "the arena in which the judges acted, seems to have been looked upon as neutral ground, and their opinions to have been received as the awards of indifferent arbitrators." This implies a distinct gain in public confidence and an approach to solidarity in law. More and more had the profession of the law become a specialty. The students in the Inns of Court and Chancery, those nursing places of lawyers, exceeded in number any of the foreign Universities. The decisions of the courts were regularly reported in the Year Books, then quite an extended series, abridged and made accessible

by the labors of Statham and Sir Anthony Fitzherbert. Special treatises appeared; Staunford's Pleas of the Crown, St. Germain's Doctor and Student, Perkins' Profitable Booke and Ye Olde Tenures. The cunning and newly invented art of printing multiplied copies of Glanville, Bracton, and the Mirror, theretofore existing only in manuscript. The *Natura Brevium* and Booke of Presidents gave form and consistency to practice as superintended by grave and learned judges. But the ornament of the age was Littleton, whose name is still sacred in Westminster Hall, and whose treatise on Ye New Tenures is praised by Coke as "the most perfect and absolute work that ever was written in any human science." The Chancellors were men of character and humanity, who scrupulously held themselves aloof from intrigue and faction. Bishop Warham, though holding an office with convenient opportunities for profit, died poor, and Waynflete devoted his means to the foundation of scholarships at Oxford. The spotless character of Sir Thomas More cast a mild and benignant ray upon the stained and stormy acts of Henry VIII, and the back-sliding of Empson and Dudley "who turned the law into rapine," dimmed but could not obscure the rapidly spreading beams of the new dispensation.

The reign of Elizabeth furnished still brighter examples, intensified by the willingness of the throne to be bound by the law. The haughty Queen had demanded of her subjects, at the instance of Lords of her Council, certain charges to aid her wars in Ireland, and hearing that one of her judges, Walmesly, had refused to pay, and by his example made collection difficult, summoned the judge, who answered that it was contrary to law, there being an express statute against it, which he, being judge, was bound by his oath to signify to her Majesty, whereupon she commanded that further "Gathering" be stopped, and that

moneys already paid be restored. In Cavendish's case, (Anderson's Reports, 152) the Queen had granted a newly created office to a favorite, but the judges refused to admit him, on the ground that the rights of other incumbents were affected. The Queen sent four peremptory orders to the judges, which they disregarded. Finally on being summoned for contumacy, they answered that if they should do that which was demanded without due process of law, and, upon her command only, oust the others of possession, while retaining the right, would be a violation of their oaths; that their refusal was not contumacious, but was intended only to put the claimant to his action. The Queen was satisfied, and the usual course by *quo warranto* was followed.

Then a legal luminary arose whose inextinguishable fires warm us to this day. In the vast spaces which stretch over a thousand years he looms the largest and burns with a radiance all his own. His works are not only a reservoir of principles, many of which are alive and fundamental at this hour, but also an interpretation of an archaic past. In this respect he cannot be overvalued for he dealt with records, and rolls, and manuscripts which had not then been printed, and many of which have perished. In spite of weaknesses which make us wince, an irritable temper and ferocious violence as a prosecutor, the transcendent professional genius of Edward Coke makes his name the greatest in the law. In his gigantic labors as author, commentator, reporter, and judge the Common Law became flesh. All of his contemporaries, Plowden, Bacon, Ellesmere, Croke, Grimstone, Yelverton, Jenkins, great though their reputations be and memorable their published works, pale before him. The depth of his researches, his tireless industry, the prodigious output of his mind even after he had become an octogenarian, his prudence, his gravity, his learning, the spirit of his devotion to the law,

his belief in its supremacy, his reverence for authority, his grasp upon principles, his varied and inexhaustible knowledge of details, his thrilling enthusiasm for justice, his love of liberty, his scorn of bribes, his stubborn integrity, and his dauntless courage make him the glory of the profession. No one but he could have written those words of farewell salutation to our jurisprudent: "I wish unto him the gladsome light of jurisprudence, the loveliness of temperance, the stabilitie of fortitude and the soliditie of justice."

In him we find the doughtiest champion of the independence of the Bench. In his refusal to join his brother judges in an opinion that the King's proclamation should have the same force of law as an Act of Parliament, in his refusal to sit as a member of the Court of High Commission because he believed it to be in derogation of the Common Law, in his refusal to amend his Reports and writings to suit the pleasure of the King, in his decision in Godfrey's case that the Common Law Courts could not imprison, fine and amerce, without due process of law; in his decision in Bonham's case that the Common Law shall control acts of Parliament, and adjudge them void when against right and reason; in his decision in Bagge's case that the Court of King's Bench had power to correct errors in judicial proceedings as well as errors extra-judicial which tended to the breach of the peace and oppression of subjects, he angered James I, and stirred into active personal hostility to himself his life long enemies, Francis Bacon, the Attorney General, Ellesmere, the Chancellor, and the royal favorite Villiers, the notorious Duke of Buckingham. He refused to be interrogated in private as to his personal views upon Peacham's case in advance of hearing, a practice which he denounced as "an auricular taking of opinions," declaring: "How can judges be indifferent, who have delivered their opinions beforehand,

without hearing of the party, when a small addition or subtraction may alter the case, and how does it stand with their oath?" In the great case of *Commendams*, when the twelve Judges were summoned before the Council, and reprimanded by the King for daring to proceed without first consulting him, all fell upon their knees and acknowledged error except Coke alone, who when angrily interrogated by James what he intended to do replied: "that which should be fit for a Judge to do." The climax was reached when the wrathful King in the case of *Prohibitions* came into Court and insisted upon his right to sit and pronounce a judgment, Coke declared that his Majesty had not the power to adjudge any case either criminal or civil, but that it must be determined by a judge. The pedantic King replied that "the law was founded on reason, and he and others had reason as well as the judges." Coke answered: "true it was that God had endowed his Majesty with excellent science and great endowments of nature, but his Majesty was not learned in the laws of the realm of England." These accumulated instances of obduracy and fearlessness accomplished his downfall. His enemies triumphed, and he was stripped of his robe, in modern phrase, "recalled" by an infuriated sovereign who had the power to punish. Coke never truckled to power, he was never obsequious to the King, nor did he seek the applause of the populace, for "a popular judge is a deformed thing, and plaudits are fitter for players than for magistrates," nor did he "meet a cause half way, nor give occasion to the party to say his counsel or proofs were not heard, for it is no grace to a Judge first to find that which he might have heard in due time from the Bar—" words which might almost tempt us to forget the melancholy frailties of character and lapses from judicial virtue of Lord Bacon, who is their author.

Besides the insecurity of tenure of office in those days, the uncertainty of emolument continued in Coke's day; the

fixed salaries of the Lord Chief Justice were £258.6s.8d., per annum and a small allowance for diets upon circuit; of the Chief Justice of the Common Pleas, £194.19s.9d.; of puisne Judges, £188.6s.8d., with the right, however, to take fees, amounting in some instances to £4000 or even £7000 per annum. It was this dangerous right which led to the fall of the avaricious Bacon, who went further, and sold his judgments.

The Third Act in the Drama witnessed a mighty struggle between the powers of darkness and those of light which have been portrayed.

Let me rapidly paint in the skies which give atmosphere to a picture of the struggle. The discovery of America following close upon the invention of printing had fired the imaginations of philosophic visionaries. Sir Thomas More wrote his *Utopia*, largely shaped by the idealisms of Plutarch and Plato. Lord Bacon wrote the *New Atlantis*, and Campanella, an Italian, composed, in prison, his *City of the Sun*. Later James Harrington published his *Oceana*. These, however, were "like the stars, which give little light because they are so high." The real discussion began with Richard Hooker, who in his *Laws of Ecclesiastical Polity* stated views as to a social compact, which were logically applicable to affairs of State. James I, who united personal pedantry to official egotism, personally advocated, as a counter blast, the doctrine of the Divine Right of Kings. He announced the theory of an absolute royalty in his work on *The True Law of Free Monarchy*, that "although a good King will form his actions according to law, yet he is not bound thereto, but of his own will and for example giving to his subjects." In Tudor times, an "absolute King" or an "absolute monarchy" had meant a sovereignty independent of all foreign or Papal influences, but James used the words as meaning the monarch's "freedom from all control by law, irresponsibility to anything but his own royal will." In a speech in the Star Chamber he declared

"As it is Atheism and blasphemy to dispute what God can do, so it is presumption and a high contempt in a subject to dispute what a King can do, or to say that a King cannot do this or that." A debate to the death was started. Hobbes in his *Leviathan*, adopting the views of Hooker as to a social compact, declared that as the compact recognized the King as a constituent part, it was irrevocable, and that as in the Church there must be a head, so in the State there must be one directing will, and that the King's, and that it was for the King to say what doctrines are fit to be taught the subject. Sir Robert Filmer, in his *Patriarcha*, went far beyond this, and held that Hobbes had conceded too much in stating a compact between equals; there never was a time when men were equal. When Adam had children born, he was master over them. Authority was founded by God in fatherhood. Out of fatherhood came royalty. The patriarch was King.

The opposition was hot. Coke, Pym, Sir John Eliot, and Hampden denounced such doctrines in Parliament. Oliver Cromwell fought them at Naseby and Marston Moor, John Milton wrote his *Essay upon The Liberty of Unlicensed Printing*, and later came Algernon Sydney's *Discourses upon Government* and John Locke's reply to Filmer in his *Civil Government*.

The battle reached the courts in the case growing out of John Hampden's immortal resistance to the collection of ship money. Charles I had inherited from his father James I the loftiest notions of prerogative. Rendered desperate by need of money and supplies which Parliament had withheld, he consulted his Attorney General, Noy, who, relying on some ancient precedents of the imposition of ship money, in times of danger, upon inland towns, advised the imposition of a tax without the consent of Parliament. He was supported by Finch, the Chief Justice of the Common Pleas. To overcome the opposition, the King exacted an opinion in advance of all the judges according to the previous

custom which Coke had called "an auricular hearing." They gave it as their unanimous opinion that in time of public danger, the King might charge his subjects by writ, and that he was the sole judge both of the danger, and when and how it was to be avoided. The Lord Chancellor, Coventry, made public this premature declaration of the judges in the hope that it would allay opposition. A vain hope. John Hampden refused to pay. The cause came on to be heard, because of its magnitude, before all the twelve judges of England sitting in the Court of Exchequer-Chamber. It was argued by Oliver St. John and Holburne in behalf of Hampden, and by the Solicitor General, Littleton, and the Attorney General, Banks, for the Crown. It is not too much to say that never was a cause better or more learnedly argued, nor was one ever more exhaustively considered by a court. Arguments and decision extended over six months. Each judge wrote a separate opinion based on history, prerogative, and precedents. The Court divided seven to five. An examination of the record, which fills the greater part of a folio volume of the State Trials, refutes the common notion that the bench was servile. The reasoning is technical, it is true, but it is spirited and at times eloquent. Evidently the judges were greatly stirred. Finch, Chief Justice of the Common Pleas, Jones, Berkely, Vernon, Crawley, Trevor and Weston gave judgment for the Crown. Bramston, Chief Justice of the King's Bench, and Davenport, Chief Baron of the Exchequer, pronounced for Hampden, but on technical grounds, adhering to the majority on the principal question. Denham, also of the King's Bench, though ill, gave a written opinion in Hampden's favor. But Justices Croke and Hutton, men of considerable reputation and experience, intrepidly cast aside their previous expressions, and denied without the slightest qualification the alleged prerogative of the Crown.

What followed is curious, and illustrates fully the danger to a judge in having no stable or independent

tenure of office, placing him at the mercy of faction. Bramston was punished by both sides; he was removed from office by the King, and later, notwithstanding his decision in favor of Hampden, was impeached by the Long Parliament for having given his opinion in advance to the Crown. Davenport met the same double fate. Denham escaped only by dying, and Croke only because of greatly advanced age. Hutton was indicted by the Crown for treason, was fined £5000, imprisoned and required to make submission in all the Courts at Westminster. The majority judges suffered in their turn. Finch was impeached by the Long Parliament, from which the King could not save him. Before trial he fled to Holland. Jones and Vernon escaped like Denham by death. Berkely was arrested on a charge of treason, by the order of the Commons, being taken in open court, while sitting on the bench, "to the great terror of the rest of his brethren and of all the profession," as Whitelocke tells us. He was sentenced by the Lords to pay a fine of £20,000 and to be forever disabled from holding office. Crawley, Trevor, and Weston, though not brought to trial, were by ordinance of the Commons disabled from being judges "as though they were dead."

Then followed the trial of the King. The Commons after "purging" the House by forcible means, without the action of the Lords, erected a High Court of Justice, appointing one hundred and thirty commissioners, of whom any twenty were empowered to act. Bradshaw, Thorpe and Nicholas were the only members who were lawyers, and they were sergeants and not judges.

The King denied the jurisdiction, as advised by Sir Matthew Hale. He was told by Bradshaw, the President, that he could not demur to the jurisdiction of the Court, and that if he did, the demurrer was overruled, and that he must answer. This he refused to do, as there was no

precedent for requiring such an act from the King. Persisting in his refusal, he was admonished that he had three times publicly disowned the Court, and put an affront upon it. He was then remanded, and various witnesses against him were privately examined in the Painted Chamber during his absence. The King remained firm in his denial of the authority of his judges, who privately met and argued on a sentence and ordered it to be engrossed. They then met in Westminster Hall with public ceremonies in the presence of the illustrious prisoner. Bradshaw then asked if he had any defence. This brought the discussion back to its original ground. The King's protests against jurisdiction were again stated in manly and dignified words, but to no purpose. Sentence was pronounced, and the King perished on the scaffold.

The trial of Charles I, if it be mockingly called one, illustrates the melancholy truth that the People, or those who claimed to represent them, could be as arbitrary, cruel and lawless as the most absolute King. Little wonder is it that there was a violent reaction. After the restoration of the monarchy under Charles II, the first object he pursued was the judicial punishment of those whom he deemed to be the murderers of his father. Many of those concerned had fled or were in their graves. The accessible survivors were taken and held. The spirit of the proceedings can be best judged by quoting in full the title page of the original report: "An Exact and most Impartial Accompt of the Indictment, Arraignment, Trial and Judgment (according to Law) of Twenty-nine Regicides, the Murderers of his Late Sacred Majesty of Most Glorious Memory; Begun at Hicks-Hall on Tuesday the 9th of October 1660, and continued (at the Sessions-House in the Old-Bayley) until Friday the Nineteenth of the same month. Together with a Summary of the Dark, and Horrid Decrees of those Caballists, Preparatory to that Hellish Fact, Exposed to

view for the Reader's Satisfaction, and Information of Posterity." In spite of the evidently studied efforts on the part of the law officers of the Crown to have the proceedings take the regular course of a trial in the Oyer and Terminer, the proceedings were stained by the over-zeal of the judges to serve the Crown by securing a conviction upon the charge of compassing the death of the King. The prisoners severed in their defence and were separately tried without the aid of counsel, as was the rule in those days in cases of felony, unless the personal ingenuity of the prisoner could raise a law point which the judges deemed disputable. Thomas Harrison, whose case is typical of all the rest, admitted that he had been a member of the High Court, that he had signed the warrant for summoning the court, and had also signed the death warrant of the King. He raised two points in his defence, first that what had been done was done under the authority of the Commons in Parliament, and that what any one did in obedience to that authority could not be questioned; otherwise, he urged, "we are in a most miserable condition, bound to obey them that are in authority, and yet to be punished if we obey." The Court through the Lord Chief Baron, Sir Orlando Bridgman, did not consider the points arguable, as the Commons had no authority to speak for Parliament, and a plea in confirmation or adoption of such authority was a double treason, and no counsel could be allowed to justify a treason. All efforts of Harrison to speak were checked. One judge besought the Lord Baron to direct the jury immediately, because the prisoner had forgotten his own barbarousness in not listening to the King; another thought the point so detestable that it savoured of Bedlam; a third, that the man had the plague all over him; a fourth, that he had a darkened conscience, and a fifth, that his speech was meant to infect the people. The Chief Baron said "it cannot be suffered to hear such stuff."

The prisoner was convicted and sentenced "to be drawn on a hurdle to the place of execution, to be hanged by the neck, and being alive, to be cut down" and mutilated, his entrails to be taken out of his body, and "you living, the same to be burnt before your eyes, and your head to be cut off, your body to be divided into four quarters," to be disposed of at the pleasure of the King. The sentence was carried out as pronounced. Other prisoners met the same fate; their heads were set up on poles at the end of Westminster Hall, the quarters of their bodies were exposed on the City gates, and then, "by his Majesty's great favor," delivered to their friends.

Then came the days of Scroggs, Wright and Jeffreys, the most odious, profligate, obsequious, cruel and bloody-handed tools of the Crown, eager and active to earn royal approbation by the wholesale extinction of royal enemies; the days of the Triumphs of God's Revenge, of Hidden Works of Darkness, of Whiggish Plots, of Roman Wonders, of the Growth of Knavery and Popery, of Horrid Popish Plots, and the Bloody Assizes; the days of the trials of the Seven Bishops, of Prynne and Bastwicke, of Algernon Sydney, of William Russell, of Elizabeth Gaunt, Alice Lisle, and William Penn. Prisoners were insulted; judges raved from the bench against men contending single handed for their lives, by telling them that they were "pestilent fellows," that they ought to have their "tongues cut out," that their "mouths should be stopped by dirty cloths," and that they should be "thrust into dirty holes." Witnesses were cluttered out of their senses, juries were bullied and browbeaten and imprisoned for days and nights without food, drink, light, heat or tobacco, to force a verdict; court rooms were furnished with lighted furnaces to heat branding irons, with knives to amputate ears or slit noses, and the headsman's axe was conspicuously displayed upon a cushion to remind State prisoners of their almost inevitable fate. All this was done, not for bribes or in the hope of lucre, but

from servility to the throne run mad. As the Crown had the power to determine the official life of a judge, the judge became an abject and insane bidder for favors. The climax of judicial subserviency to the appointing power had been reached.

Against this despicable and darkly ensanguined background shone the white soul of Sir Matthew Hale—the most thoroughly revered name in the judicial annals of England. Second only to Coke in his legal learning and legal authorship, he surpassed him in the breadth of his general historical, scientific and philosophical knowledge, and rose far above him in moral elevation of character. Notwithstanding he had been counsel for the Earl of Strafford, Archbishop Laud, and Charles I, and had steadily advised the King to contest the jurisdiction of the Court of High Commission, Cromwell regarded his fearless discharge of duty so highly as to make him a judge, and, notwithstanding his service under the Commonwealth, although he would never sit in State criminal trials under the Protector because of his doubts as to his title to the government, he was made Chief Baron of the Exchequer, and later Lord Chief Justice of the King's Bench under Charles II. This service under successive and hostile administrations would have ruined the reputation of any other man. With Hale, such was the purity of his character and his extraordinary fitness as a judge, that he was free from blemish, if we except the trials of the witches, where superstition cast its spell upon his vigorous mind. It was no small security to the justice of the nation to have a man of his integrity, abilities, and personal independence upon the bench in times so troubled. We can recall no instance of more knowledge or greater virtues meeting in one man.

The curtain rises upon the Fourth and closing Act, the first scene being in England, the second in the United States of America.

It savors of paradox, but nevertheless is true, that it was fortunate for England, and particularly for administrative justice, that James II, who immediately succeeded Charles II, was a man of bigoted and tyrannical disposition, for in less than four years his conduct provoked such general discontent as to bring on a bloodless Revolution, resulting in his abdication, and the placing of the crown upon the brows of William and Mary. The provocation consisted of James' total disregard of the laws and Constitution of the realm, his assumption of a power to dispense with statutes, his attempt to introduce martial law in a time of peace without the authority of Parliament, his religious bigotry, and his summary dismissal of judges who opposed his will in the slightest degree. In his short reign he removed twelve judges; five of them for not assenting to the dispensing power, three for opposition to the effort to exercise martial law, two for bold expressions in the case of the Seven Bishops, and two because he disliked them personally. When Archbishop Sancroft complained that Justice Heath had denounced the Bishop's petition as "a factious libel," the judge replied: "You need not trouble yourself with what I said on the bench: I have instructions for what I said, and I had lost my place if I had not said it."

One of the glories of the English Revolution was that it formed a new era in judicial history. Great and immediate was the change in the administration of justice. The purlieus of the law were cleansed and the invigorating spirit of judicial independence swept like a mountain breeze through Westminster Hall. The truly great and lofty minded John Somers became Lord Chancellor, and the still greater John Holt became Lord Chief Justice of the King's Bench. The days of servile or of courtly obsequiousness, which led to coarse and savage brutality, and the days of inadequate and uncertain compensation, eked out by extortionate fees and bribes, were gone forever. The magical result was wrought by the Act of Settlement, followed by

the memorable Act of Parliament 12 and 13, William III C.2.3.5 which declared that thereafter the Judges should no longer hold their offices during the pleasure of the Crown, but so long as they behaved themselves well in office. The odious and poisonous words *Durante bene Placito* were stricken from judicial commissions, and the words *Quamdiu se bene gesserint* were substituted. At the same time it was declared that their salaries should be ascertained and established, and that they could only be removed upon the address of both Houses of Parliament. These salutary provisions were made more effectual in the reign of George III by enacting that the demise of the King should not terminate a judicial tenure, and that no judge should be compellable to deliver his opinion beforehand in relation to any question which may come judicially before him, and finally that no judge is in any way punishable for a mere error of judgment, from which sprang the well established principle that judicial discretion cannot be coerced by mandamus. From that day forth, if we were to follow judicial history to the last page of the last reporter we should find the courts with rare exceptions, which but illustrate the infirmities of human nature, "presenting the image of the sanctity of a temple, where truth and justice seem to be enthroned and to be personified in their decrees." Chancellor Kent, who well understood the subject, once wrote: "Every person well acquainted with the contents of the English reports, must have been struck with the unbending integrity and lofty morals with which the Courts were inspired. I do not know where we could resort, among all the volumes of human composition, to find more constant, more tranquil, and more sublime manifestations of the intrepidity of conscious rectitude." The names of Hardwicke, Eldon, Grant and Jessel, in chancery, and of Mansfield, Buller, Denman, Bramwell and Blackburn at law, sufficiently establish the assertion that this encomium is not overwrought.

The scene shifts to America. The first English colony was planted at Jamestown just as James I announced his doctrine of the Divine Right of Kings. Then followed the Pilgrim settlement at Plymouth Rock, and later the Holy Experiment of William Penn. At these springs of living water the thirteen colonies slaked their thirst for liberty and worked out in the wilderness the problems of self-government. When the Fathers of the Republic met to frame a Constitution intended to endure, they faced a problem as new as it was momentous, whether it was possible to frame a plan contemplating the contemporaneous supremacy in each of thirteen independent commonwealths, of two governments, distinct and separate in their action, yet commanding with equal authority the obedience of the same people, so that each in its allotted sphere should perform its functions without impediment or collision, a problem, as Bryce states it, of "immense complexity which startles and at first bewilders a student of American institutions." Admonished by what they had learned from their colonial dependency on the Crown, arising from the uncertain, and at times irritating, action of the Judicial Committee of the Privy Council, and particularly by the utter failure of the Thirteen Articles of Confederation, lacking as they were in grants of regulating power, in the absence of a common superintending judicial authority, and impressed by the emphasis laid by Montesquieu upon the danger to liberty of commingling diverse and conflicting functions, they divided the stupendous powers of government among three departments—executive, legislative and judicial—making them equal and coördinate. In building the Judiciary Department they were as wise in what they avoided as in what they did. In spite of strenuous and thrice-repeated efforts of men as eminent as Wilson, Madison and Charles Pinckney, the Convention refused to sanction the election of the judges by the legislative branch, refused to associate the judges with the ex-

ecutive in a revisionary negative upon the Acts of the Legislature, and refused to subject them to the right of both the other departments to require opinions upon important questions. In adopting the tenure of good behavior, with a compensation not to be diminished during continuance in office, they profited by what they had learned of the mother country in her long struggle for an independent bench, but they gave a final and energizing stroke to their labors by making the judicial department supreme within its own province. The erection of one Supreme Court as the controlling and regulating power was the greatest conception of the Constitution, and constitutes the crowning marvel of the wonders wrought by American statesmanship.

After eleven years of inconclusive efforts and with four changes in the chief justiceship, there arose, under the Providence of God, a man of the mental stature of Copernicus to map our juristic heavens and chart the courses of the Federal and State Governments. As Emerson said of Plato, "his zeal for justice was like the momentum of a falling planet, his discretion like the return of its due and perfect curve, so excellent was his love of order and his skill in definition." Fortunate in his opportunities, successful in achievement, he created a system of jurisprudence which ranks with the Politics and Ethics of Aristotle and the Principia of Newton, among the extraordinary intellectual productions of all time. With a mind mathematical and analytical, learned without pedantry, exerting great strength, but always calm in action, advancing with self-reliant stride instead of leaning upon the alpenstock of authority, he worked out results with far-seeing judgment and moved among the perilous peaks with steady circumspection. In close communion with the Constitution from the hour of its birth, he interpreted its provisions for a period of thirty-four years upon the simple but resolute theory that they were not to be dwarfed by jealous fears, and not to be exploited in a spirit of ambitious

usurpation. He never sought to enlarge the judicial power beyond its proper bounds, nor did he fear to carry it to the utmost limit that duty required. Close and logical in processes of thought, clear as light itself in his demonstrations, he conquered by pure reason the convictions and prejudices of his countrymen and won by his unsullied character their absolute trust in the integrity of his tribunal. It is one of the felicities of the past that God gave John Marshall to America; it is the chief safeguard of the future that his immortal spirit stands above us as the sleepless sentinel of our rights. "The fame of the Chief Justice has justified the wisdom of the Constitution and reconciled the jealousy of Freedom to the Independence of the Judiciary."

APPENDIX

List of authorities consulted in the preparation of the foregoing address.

ANGLO SAXON PERIOD

- Alfred the Great, edited by Alfred Bowker, London 1899.
Annales Rerum Gestarum Alfredi Magni, Auctore Asserio.
 Oxford, A. D., 1732.
 Monumenta Historica Britannica, edited by Petrie, London, 1848.
 The Saxons in England, Kemble, London, 1876.
 History of the Anglo Saxons, Sharon Turner, London, 1852.
 Essays in Anglo Saxon Law, Boston, 1876.
 History of the Rise and Progress of the English Commonwealth,
 During the Anglo Saxon Period, Palgrave, London, 1832.
 Mirror of Justices, Translated by W. H. Gray, London, 1758.
 Mirror of Justices, Vol. VII, Publications of the Selden Society,
 edited by Maitland, 1893.
 Mirror of Justices, Legal Classic Series, edited by Robinson, Wash-
 ington, D. C., 1903.
 Bushel's Case, Vaughan's Reports, p. 139, London, 1706.
 The Triumphs of Justice over Unjust Judges, Edinburgh, 1680.
 Baker's Chronicle, London, 1643.

ANGLO NORMAN PERIOD

- Dugdale's Origines Juridiciales, London, 1671.
 Madox' History of the Exchequer, London, 1769.

- Antiquities of the Exchequer, Hall, London, 1898.
 Henry II, Mrs. J. R. Green, London, 1899.
 Henry II, Lord Lyttleton, London, 1771.
 Glanville, Beames' Edition, London, 1812.
 History of Normandy and England, Palgrave, London, 1851.
 The Norman Conquest, Freeman, Oxford, 1867.
 Feudal England, Round, London, 1909.
 History of the Norman Conquest, Thierry, London, 1848.
 Feudalism, Abdy, London, 1890.
 History and Defence of Magna Charter, London, 1679.

PLANTAGENET PERIOD

- Bracton, edited by Twiss, London, 1878.
 Bracton's Note Book, edited by Maitland, London, 1887.
 Fleta, Selden's, London, 1647.
 Britton, edited by F. M. Nichols, Oxford, 1865.
 Britton, edited by Baldwin, Washington, D. C., 1901.
 State Trials of Edward I, edited by Tout, London, 1906.
 The Life and Reign of Edward I, London, 1872.
 The Greatest of the Plantagenets, London, 1860.
 Edward I, Tout, London, 1893.
 Constitutional History of England, Stubbs, Oxford, 1880.
 Hallam's Middle Ages, New York, 1880.
 The Judges of England, Foss, London, 1848.
 Biographia Juridica, Foss, London, 1870.

LANCASTRIAN AND YORKIST PERIOD

- The Judges of England, Foss, London, 1851.
 Philpots' Chancellors of England, London, 1636.
 Chronica Juridiciala, Rastall and Dugdale, London, 1685.
 Hallam's Constitutional History of England, London, 1832.
 De Laudibus Legum Angliæ, Sir John Fortescue, London, 1616.
 De Laudibus Legum Angliæ, Gregor's Edition, Cambridge, 1775.
 De Laudibus Legum Angliæ, Amos' Edition, Cambridge, 1825.
 De Laudibus Legum Angliæ, Clarke & Co., Cincinnati, 1874.
 Littleton's Tenures, London, 1572.
 Coke-Littleton, London, 1684.
 Lives of Wykeham, Waynblete and More, London, 1860.

TUDOR PERIOD

- The Judges of England, Foss, London, 1857.
Hallam's Constitutional History of England, London, 1832.
Life of Sir Thomas More, London, 1726.
Anderson's Reports, London, 1664.

STUART PERIOD

- Life of Sir Edw. Coke, Johnson, London, 1837.
The Judges of England, Foss, London, 1857.
Lives of Eminent British Lawyers, Roscoe, London, 1830.
Coke's Reports, London, 1826.
Bagge's Case, Part XI, p. 93.
Bonham's Case, Part VIII, 114.
Godfrey's Case, Part XI, p. 42.
The Case of Prohibitions, Part XIII, p. 30.
High Commission, Part XII, 49, 84, 88.
Case of the Commendams, Bacon's Works, Vol. 5, p. 433.
Peacham's Case, Croke Car., 125.
Life of Francis Bacon, Mallet, London, 1740.
Life of Francis Bacon, Lord Campbell, London, 1853.
Life of Francis Bacon, Dixon, Boston, 1861.
Ideal Commonwealths, edited by Morley, London, 1886.
Hooker's Ecclesiastical Politie, London, 1638.
Hobbes' Leviathan, London, 1651.
Lord Clarendon's Survey of Hobbes' Leviathan, London, 1676.
Harrington's Works, London, 1747.
Sidney on Government, 1763.
Filmer's Works, London, 1684.
Locke on Civil Government, London, 1694.

PERIOD OF THE COMMONWEALTH

- The Judges of England, Foss, London, 1864.
History of the Rebellion, Lord Clarendon, Oxford, 1849.
Gardiner's History of England, A. D., 1649, 1656, London, 1904.
Memorials of John Hampden, Nugent, London, 1833.
The King against John Hampden, in the Case of Ship Money,
1 State Trials, 505, Hargrave's Edition, London, 1742.
The Trials of Charles the First and of some of the Regicides,
London, 1832.
Trial of the Regicides (title page quoted in address), London,
1660.

- Life of Sir Matthew Hale, Bishop Burnett, London, 1682.
 Lives of Eminent English Judges, Welsby, London, 1846.
 Life of Sir Matthew Hale, Williams, London, 1835.
 Fuller's Worthies, edited by Nicholls, London, 1811.
 The Founders of the Commonwealth, Coke, Selden, Hampden,
 Pym, by William Godwin, London, 1824.
 The Ruins of Time, Amos, London, 1856.

THE RESTORATION AND ENGLISH REVOLUTION

- Abridgment of the State Trials, Salmon, London, 1734.
 State Trials, Howell's Edition, London, Vols. 7 to 13, London,
 1813.
 Cobbett's Parliamentary History, London, 1813.
 Lives of the Chief Justices of England, Campbell, London, 1874.
 Lives of the Chancellors of England, Campbell, London, 1846.
 Biographia Juridica, Foss, Boston, 1870.
 Harris' Life of Lord Hardwicke, London, 1847.
 May's Constitutional History of England, Boston, 1863.
 Hallam's Constitutional History, London, 1832.
 Life of George Jeffreys, Woolrych, London, 1827.
 Life of Sir John Holt, by a Gentleman of the Inner Temple,
 London, 1764.

AMERICAN PERIOD

- Elliot's Debates on the Federal Constitution, Philadelphia, 1861.
 The Records of the Federal Convention, Farrand, New Haven,
 1911.
 History of the Constitution, Bancroft, New York, 1882.
 History of the Supreme Court of the United States, Carson,
 Philadelphia, 1891.
 Life, Character and Judicial Services of John Marshall, Dillon,
 Chicago, 1903.
 Centennial Collection of Marshall Addresses. Chicago, 1905.

[The following address of President Hampton L. Carson is reprinted by the courtesy of the Virginia State Bar Association for the benefit and at the request of our members by formal resolution on July 2, 1914. See page 254 of this report.]

THE PLACE OCCUPIED BY THE JUDICIARY IN OUR AMERICAN CONSTITUTIONAL SYSTEM

Address before the Virginia State Bar Association
at the Homestead Hotel, Hot Springs, Va., July 29, 30 and 31, 1913

Mr. President and Members of the Virginia State Bar Association:

My theme today is The Place Occupied by the Judiciary in our American Constitutional System. It is a timely topic, for such has been the agitation and criticism of the past eighteen months that many, especially of the younger generation, have concluded that our system is outworn, in need of radical revision, and that any expression of reverence for the work of the fathers of the Republic is lamentable Toryism.

I am going to state the matter in the plainest possible terms. My aim shall be to present an outline drawing, so to speak, so as to exhibit the simple, strong, but majestic features of our political architecture. It is rudimentary that there must be law and order in the land. There must be rules for the common good. There must be some one to make those rules. There must be some one whose duty it is to see that the rules are enforced, and there must be some one to decide in cases of doubt what those rules are and whether they have been broken. Society—peaceable and orderly society—demands this. The same men or set of men cannot act as lawmakers, enforcers of the law and as judges. That would be pure despotism. These separate functions must be divided, and to make things work without friction the body that makes the law ought not to enforce it, and the body that enforces the law ought not to be judge, and the body of judges ought not to have a hand in the making of the law or its enforcement. When the fathers planned an American form of government they said, in substance: We will divide governmental powers between three great

departments, legislative, executive and judicial. Congress, the lawmakers, shall declare what the law shall be. The President must see that the Acts of Congress are carried out, and in order that Congress shall not be tyrannical and that the President shall not usurp power, and that the nation shall not encroach upon the States, and that the States shall not paralyze the nation, we will write down in the Constitution what powers Congress shall have, define the duties of the President, and in order to secure the observance of the rules by the government, we will create an independent body of men to act as umpires—the Supreme Court. That body must be the final arbiter, and, unless chaos is finally to rule, that Court must have the last word. The dispute must be ended somewhere and at some time. Men and States, Congress and the President, are alike bound by it. It is the same way with the State Courts and the State Constitutions, with this difference: Congress, representing the people and the States in their national capacity, has no powers except such as are expressly given to it by the Constitution, or are fairly necessary to the exercise of the given power. The State Legislatures have every power except those which are withheld from them by the national grant, or by the State Constitutions, either expressly or by fair implication. Hence the Constitution of the United States is a grant of power. The State Constitutions are a denial or a limitation of power. In each case the Constitution is a restriction upon the State or the people. In each case the purpose is to protect the minority of the people against the tyranny of the majority. A Constitution represents in the highest sense the people's will as a measure of self-defense against their own imprudence or violence.

That is the American system, and it exists nowhere else except where copied from us. Every student of government the world over has admired and praised it as the wisest and best way to end disputes over the great questions which concern the country at large. The perfect balance

between the departments is of the essence of the matter. The judiciary is the balance wheel, for there would be but little use in having a Constitution if Congress or State Legislatures could ignore it, and there would be but little use in having a judiciary if some body which did not like the decision could defy it or overrule it.

It must always be borne in mind that the American judicial system was an evolution, and not an accidental creation inspired by the exigencies of a moment. The American judiciary is not an excrescence; it is not a limb nor a function; it is an organ. It is a vital part of our body politic, and it is as dangerous to hack at or cut it to pieces as it would be to prick the kidneys of a man with repeated thrusts of a needle or the jab of a stiletto. A political Bright's disease would soon set in if the judiciary were deprived of effective working power. All questions touching the judiciary are questions affecting a vital organ, an organ indispensable not only to political health but to political life in America itself.

Let us consider how the judiciary got into this relation to our body politic. In Colonial days there were courts, of course, but they depended directly or indirectly on the British Crown, according to the forms of the charters. When the American Revolution came on and Independence was declared in July, 1776, the tie that bound the colonies to the throne was sundered. Then there were thirteen separate States, each an independent sovereign. Each of them went to work after her own fashion to make a Constitution for herself, some of them more speedily than others. All of them had judges, but in some the judges were chosen by the popular body which had legislative power. In others the judges were appointed by the Governor and the Legislature; in others by the Governor and his Council. There was no very clear enumeration or distribution of powers. Much was said about the rights of the the people, but it was general and vague and did not specify

with particularity the boundaries of jurisdiction. There was a general confusion of executive, legislative and judicial duties. Some States had clearer notions on the subject than others. In the meantime a general object lesson for all the States was presented by the affairs transacted by the Continental Congress. The thirteen Articles of Confederation were tried and failed. There was no proper executive. The President of Congress was merely a speaker or moderator of debates. Executive business was handled by committees. There was but one house, and there were no courts. Judicial functions were performed by committees. Behind all this there was an absence of power. Nothing could be enforced. Every resolution of the Continental Congress had to be sent to the thirteen States for ratifying action, many of the States were tardy, and there was no means of driving them into line. It is a long story, a familiar one, a very interesting one, but finally came the Convention which framed the Constitution of the United States. By this time the great statesmen were ready for their work. They had learned their lessons in the best school, that of experience, but they had studied books as well as suffered in war. They knew all about every form of government the world had ever seen, from Achæan Leagues in Greece and the Republic of Rome before the days of the Empire, and the Italian Republics, and the States General of Holland, and the Revolution in England and the resulting Kingdom in England, as well as the contrasted Monarchies of France and Germany. They had read Rousseau, Locke, Hobbes, Bacon and Harrington, but, better still, they had studied Montesquieu, who dwelt particularly on the importance of a separation of executive, legislative and judicial power. They had seen with their own eyes what a confusion there was in their own States, and they had heard with their own ears what a jangle there was of authority. Many of the members of the Federal Convention were especially well equipped for the task of framing a National

Constitution. There were in all sixty-five men. Thirty-nine had been members of the Continental Congress. Seven were Signers of the Declaration of Independence. Thirty-one were lawyers by profession, of whom four had studied law in the Inner Temple in London, and one had been to Oxford and heard lectures by Sir William Blackstone. Ten had been judges in their own States. One had been a member of the Committee of Congress styled The Court of Appeals in Cases of Capture. Seven had served on committees to settle disputes between the States as to boundary lines. Eight had helped to frame the Constitutions of their own States. Three had revised the laws of their own States. Eight had been Governors of their respective States. Five had been present at the Annapolis Convention, and three were recognized as oracles upon questions of International Law. With a full knowledge of the evils and weaknesses of the Confederation, and with a perfect familiarity with all those instances of a quasi federal jurisdiction which had arisen during the time of the Revolution, the Framers of the Constitution took up their task. It is plain that they confronted two palpable conditions: first, that there were many cases where the States could not act without conflict; and, next, that the confederated government lacked the power and the organs to do final and effective justice. Stress was therefore laid upon these salient features, and a scientific distribution of power was made between the executive, legislative and judicial branches of the government. The President was to execute the laws. The laws were to be made by Congress, consisting of two houses, and these laws and the Constitution were placed under the guardianship of the Supreme Court and such inferior tribunals as Congress might establish. The Courts of the United States were to have exclusive jurisdiction of certain classes of cases, and finally the Constitution and laws of the United States were to be recognized as the supreme law of the land,

and the judges in every State were to be bound thereby, "anything in the Constitution or laws of any State to the contrary notwithstanding."

The matter did not rest upon theory alone. Prior to the time that the Federal Convention met it had become an interesting question in the States but recently emancipated from the sovereignty of Great Britain as to how far a court could go in dealing with an act of the legislature, and the courts in solving this task in several of the States dealt with that feature which is peculiarly American, a written State Constitution. The earliest, and I think I may say the clearest, expression of what is now familiar judicial doctrine, was given by George Wythe, Chancellor of Virginia, in the year 1782, in the case of *Commonwealth vs. Caton*, 4 Call's Reports, page 1. The case was argued by Mr. Edmund Randolph, then Attorney General of Virginia, subsequently her Governor, and later the first Attorney General of the United States and one of the leading members of the Federal Convention, who in the course of his argument discussed whether an act of the Virginia Legislature passed in the year 1776, taking from the executive the power of pardon in cases of treason, had or had not violated the State Constitution, and particularly whether the court was authorized to declare such an act void because of conflict with the Constitution. Chancellor Wythe, himself subsequently a Framers of the Constitution, and in this very case of *Caton* sitting as a judge, declared "If the whole Legislature (an event to be deprecated) should attempt to overleap the bounds prescribed to them by the people, I, in administering the public justice of the country, will meet the united efforts at my seat in this tribunal, and, pointing to the Constitution, will say to them, 'Here is the limit of your authority, and hither shall you go but no further.'" John Blair, also a member of the Federal Convention, but at that time an associate of Wythe and later one of the first appointees by George Washington to the Bench of the

Supreme Court of the United States, was of the opinion that the Court had power to declare any resolution of the legislature, or of either branch of it, to be unconstitutional and void if in conflict with the Constitution.

Six years later in 1788 the question was again raised in the very interesting "Case of the Judges," 4 Call, 135, which grew out of an attempt by the legislature to impose additional and extra judicial duties upon the court, and the judges found themselves obliged to decide "that the Constitution and the acts were in opposition, that they could not exist together, and the former must control the operation of the latter."

These views were again declared in several later cases and were directly enforced in 1793 in *Kemper vs. Hawkins*, 2 Va. Cases, 20. See also *Turner vs. Turner*, 4 Call, page 234, and *Page vs. Pendleton*, Wythe's Reports, 211.

In New York a substantially similar question in principle was raised in the celebrated case of *Rutgers vs. Waddington*, decided in 1784. There Alexander Hamilton in an able argument before the Mayor's Court of New York City, contended that the Trespass Act, which authorized owners to bring actions against those who had occupied their houses under British orders during the British occupation, was unconstitutional. Hamilton argued that the law violated natural justice, and the decision was placed upon that ground. *Rutgers vs. Waddington*, Dawson's Pamphlet, page 44; Hamilton's Works, edited by J. C. Hamilton, volume 5, pages 115 and 116; volume 7, page 197.

In Rhode Island the famous case of *Trevett vs. Weeden* was decided in 1786. (See a scarce pamphlet of J. B. Varnum, published in Providence in 1787.)

In passing I might say that this case was the first instance of an attempt at judicial recall and signally failed. A butcher had sold meat and his debtor tendered payment in the paper money then recently authorized by the Legis-

lature of Rhode Island. The plaintiff objected to the tender on the ground that the contract had been made prior to the passage of the law, and that paper money could not be thrust upon him without his consent. The judges sustained the contention, and, the decision giving great offense to the Legislature, the judges, having been themselves chosen by the Legislature, were attempted to be thrust from their judicial offices. They protested against such an invasion of the independence of the bench in a manner so able as to secure the defeat of a resolution of the Legislature declaring their offices vacant. A similar case, so far as the principle of the judicial right to review an act of the Legislature and compare it with the State Constitution, arose in the case of *Holmes vs. Walton*, referred to in *State vs. Parkhurst*, and reported in 4 Halstead, N. J. 444. See also Paper by Doctor Austin Scott in volume 2 of Papers of the American Historical Association, page 86. In North Carolina in the case of *Bayard vs. Singleton*, Martin's Reports, page 42, the argument was made by Mr. Iredell, subsequently an associate justice of the Supreme Court of the United States, that the court had the power to refuse to enforce a law because unconstitutional.

It is beyond the reach of controversy, therefore, that when the Federal Convention met in 1787 for the purpose of framing a Constitution for the United States, the idea of controlling the Legislature through the judiciary was familiar to its leading members. It had been asserted in Virginia, New York, Rhode Island, New Jersey and North Carolina. The members of the Convention who had, either as counsel or as judges, considered such a question, were among the most prominent on the floor. There were from Virginia, George Wythe, John Blair, Edmund Randolph and George Mason; from New Jersey, David Brearly; from New York, Alexander Hamilton; from North Carolina, Richard Dobbs Spaight, informed specifically by his correspondence with Iredell, the counsel in the case of *Bayard*

vs. Singleton. It is unnecessary for me to go into detail in quoting the language of the debates in the Convention itself, but no careful student of Madison's Notes, or of the Journal of the Convention, can fail to reach the conclusion that it was generally admitted by the delegates that the courts would have the power under the Constitution without any express gift. Such a power was commented upon with approval in the Convention by Gerry, of Massachusetts; Morris, of New York; James Wilson, of Pennsylvania; Mason, of Virginia, and Luther Martin, of Maryland. It was opposed by Mercer, of Maryland, and John Dickinson, then of Delaware, formerly of Pennsylvania.

While the ratification of the Constitution of the United States was under discussion in the different States, the matter was elaborately treated of in Nos. 78 and 80 of the *Federalist*, touching particularly upon the independence of the judiciary and the existence of the power to pass upon questions of constitutionality was taken for granted. It was commented upon not as a mere possibility, but in order to remove any lingering objections there might be to such a practice. In the State Conventions the matter was discussed, in Connecticut, by Oliver Ellsworth, who called the judiciary "a constitutional check"; in North Carolina, by W. R. Davies; in Pennsylvania, by James Wilson, and in Virginia, by John Marshall, Edmund Randolph and Patrick Henry. The last named was a decided opponent of the Constitution, but he was an earnest advocate of the independence of the judiciary. He believed that the judges should decide upon the constitutionality of a law, and feared that the national judiciary as organized would not possess sufficient independence for this purpose.

It is now in order to trace the spread of the doctrine through the decisions of the Supreme Court of the United States. The Judiciary Act of 24 September, 1789, which was the work almost exclusively of Oliver Ellsworth, the third Chief Justice of the United States and himself a

member of the Federal Convention, although he was aided in part in the drafting of the statute by Richard Henry Lee, of Virginia, both men being entirely familiar with the views of their colleagues, provided for the review in the Supreme Court of the United States of judgments in the circuit courts and district courts upon writs of error, as well as upon a certificate of division of opinions, whether the causes originated in the circuit courts or were removed there *from the State Courts, as well as for the review of cases where the validity of State statutes or any exercise of State authority should be drawn in question, on the ground of repugnance to the Constitution, treatise or laws of the United States, and the decision should be in favor of their validity.* This statute, which it is no exaggeration to term a veritable bond of union, is a clear legislative expression of the views of the first Congress under the Constitution—that the questions referred to are judicial questions, and that the determination of them belongs, under the Constitution, to the Supreme Court.

The first case in which the power of the Federal Courts to decline to enforce an Act of Congress was asserted illustrates the prevailing idea as to the position of the judiciary, as well as the extreme modesty of the judges. The case is *Hayburn's*, 2 Dallas, 409. Congress had passed an act in March, 1792, providing for the settlement of claims of widows and orphans barred by certain limitations, and regulating claims for naval pensions. The act directed the United States Circuit judges to pass upon such claims and make their decision, subject to review by the Secretary of War and by Congress. In the Circuit Court for the District of New York, Chief Justice Jay, Justice Cushing and District Judge Duane filed an order declining to execute the act as judges, but declaring that "As the objects of this act are exceedingly benevolent and do honor to the humanity and justice of Congress, and as the judges desire to manifest on all proper occasions and in every proper manner their

highest respect for the National Legislature, they will execute this act in the capacity of commissioners." Justices Wilson and Blair and District Judge Peters, of the Circuit Court for Pennsylvania, absolutely refused to execute the act. Justice Iredell and District Judge Sitgreaves, of the North Carolina Circuit, before any case came before them joined in a letter to the President expressing their doubt as to their power under the law to act even as commissioners.

The question reached the Supreme Court at the August term, 1792, on an application for a mandamus to the District Court for the District of Pennsylvania; Attorney General Randolph entered into an elaborate discussion and analysis of the powers and duties of the court, and advised the execution of the law. Of his arguments he said, "The sum of my arguments was an admission of the power of the Court to refuse to execute, but the unfitness of this occasion." See Conway's Life of Edmund Randolph, pages 144 and 145. No doubt existed in the minds of the judges, yet so great was the desire to avoid a conflict that the motion was taken under advisement and held until the statute was amended.

A subsequent case, however, was brought by amicable action against one Yale Todd to recover money paid him under a finding of Chief Justice Jay and Judges Cushing and Law, acting as commissioners. After argument judgment was rendered against the defendant. No opinion stating the grounds of the decision was filed, but the result was a determination that, as the power conferred by the Act of Congress of 1792 was not judicial within the meaning of the Constitution, the act was unconstitutional. Chief Justice Jay and Justices Cushing, Wilson, Blair and Patterson were present at the decision, which seems to have been unanimous. See Note No. 1 to the case of the *United States vs. Ferreira*, 13 Howard, 40 to 52.

The question was again raised in 1798 in the case of *Calder vs. Bull*, 3 Dallas, 386, and some doubts were expressed by Mr. Justice Chase as to the jurisdiction of the Court to determine that any law of a State Legislature contrary to the Constitution of the State, was void, but he declined to express an opinion whether the Supreme Court could declare void an Act of Congress contrary to the Federal Constitution.

A similar question was raised in the case of *Cooper vs. Telfair*, 4 Dallas, 194, where Mr. Justice Chase said, "It is a general opinion, indeed it is expressly admitted by all this Bar, and some of the judges have individually in the circuits decided that the Supreme Court can declare an act of Congress to be unconstitutional and therefore invalid, but there is no adjudication of the Supreme Court itself upon the point. I agree, however, in the general sentiment." The learned judge had evidently forgotten the decision in the case of *United States vs. Yale Todd*. The question was raised before Chief Justice Marshall in the famous case of *Marbury vs. Madison*, 1 Cranch, 137, in which as Chancellor Kent declares "the power and duty of the judiciary to disregard an unconstitutional act of Congress, or of any State Legislature, were declared in an argument approaching to the precision and certainty of a mathematical demonstration."

The language of Chief Justice Marshall is clear and conclusive.

"The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like any other act, is alterable when the legislature shall please to alter it. If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law. If the latter part be true, then written constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable. * * * If an act of the legislature, repugnant

to the Constitution, is void, does it, notwithstanding its invalidity, bind the courts and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as though it was a law? This would be to overthrow, in fact, what was established in theory; and would seem, at first view, an absurdity too gross to be insisted upon. It shall, however, receive more attentive consideration. It is emphatically the province of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each, this is the very essence of judicial duty. If, then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the Legislature, the Constitution, and not such ordinary act must govern the case to which they both apply. Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law."

To characterize such reasoning as sophistry is childish. A schoolboy might as well challenge a proposition of Euclid or attempt to ridicule the Principia of Newton. Many men of an atrabilious critical disposition have stormed at it in impotent rage and have denounced it as mere *obiter dictum*, but notwithstanding all assaults it stands as an adamant basis of reasoning, and constitutes the invincible buttress of our nationality. The power was not again seriously questioned in the Federal courts for many years, until the question directly arose in *Cohens vs. Virginia*, 6 Wheaton, 264. The reasoning of Marshall in that case has settled it forever. Nothing but a political earthquake can unsettle it. The great Pyramid of Cheops has stood for six thousand years unshaken by the barking of the jackals at its base.

A profound student of our institutions, the late Lord Brougham, has said, "The power of the judiciary to prevent either the State legislatures or Congress from overstepping the limits of the Constitution is the very greatest refinement in social polity to which any set of circumstances has ever given rise, or to which any age has ever given birth." As to Americans, an hundred volumes would not hold what they have said in its praise.

For practical illustration an instance or two may be given to show what we owe to this doctrine. New York tried to keep out the commerce of the nation from the Hudson River by giving an exclusive right to one of her citizens to navigate that river with steam, and the State Courts sustained it. The Supreme Court of the United States held that it was unconstitutional. The States of California and Missouri arrogated to themselves the right to prohibit the transportation of merchandise from other States except on payment of toll. The Supreme Court said that was unconstitutional. The State of Nevada tried the same thing with reference to the travel of citizens of other States through her boundaries. The Supreme Court said that was unconstitutional. Other States have tried to compel the payment of a tax before a citizen of another State should be at liberty to buy or sell within their borders. Again the Supreme Court said that was unconstitutional. Monopolistic charters were upset in the same way. The powers of States to tax an agency of the nation out of existence have been upset in the same way. The rights of the Government to regulate and control big corporations and to dissolve gigantic conspiracies in restraint of trade, have been sustained in the same way. Few laymen appreciate and many lawyers forget what we owe to this doctrine. It has saved us over and over again from discord and unhappiness as well as from business paralysis and loss.

As to the States, the instances are legion where snake bills and monopolies and all sorts of unfairness have been

strangled by the courts. Yet we all know that attacks have been made upon the courts, some of them vile indeed, but the majority of the attacks are untrue and unfair. The courts, taken as a body, deserve and receive the confidence of the people. The man who would deliberately undertake to undermine and destroy the public confidence in the integrity and wisdom of the judiciary, which is our sheet anchor, deserves the fate of Guy Fawkes. No fair-minded man will rail against the church as an institution because some men in it are bigots and others are unchaste. No man would denounce doctors and surgeons as a learned profession because quacks and charlatans are to be found. No man would decry our universities and colleges because professors are sometimes shallow doctrinaires. No man would impugn the general honor of the American merchant because some of them cheat and sell spurious goods. No man will blacken the character of American labor because its strikes are sometimes violent and destructive. No man will deny the general good character of a community because he sees many sad lapses of conduct in individuals. Let us be fair to the courts.

Of course, the wise framers of our Constitution foresaw that there might be occasions for amendments to the fundamental law. They were not so shortsighted as to clamp a Constitution upon the people like a straight jacket. They made the Constitution sufficiently flexible to admit of expansion and normal growth, and they also provided for those grave changes which in the course of time called for amendments. But, having taken the pains, after long and serious consideration, to frame Constitutions based on experience and the teachings of human history, into which they built the results of suffering and war, they were careful that the changes to be made should be the result of equal deliberation. They did not expose their work to rash innovations. They knew that it was far easier to tear down than to build up. They knew that popular clamor is some-

times like a destructive storm. They wished to insure stability and wisdom in the Government. They did not believe in nostrums or curative quackery. They knew that men would not and could not be easy in their minds, either about their business, their property or their liberties, if the Government was subject to sudden and violent changes. Sound, steady government was what they aimed at. They knew that the jumping and thumping and rattling of an engine meant poor mechanism or a condition of danger. Hence they provided for orderly amendments through representative bodies whose work was finally to be submitted to the people. Detail as to the exact method in each State would be tedious and is not necessary to this discussion. The principle is that each amendment as proposed must first be passed upon by the representatives of the people, and finally ratified or adopted by the people themselves. There was no suggestion that war should be made upon one of the great departments of the Government, nor that the organ of a final exposition of the law should be made the target of abuse.

I am aware that there is a zone of authority already in possession of the judiciary, the invasion of which has been strongly and ably criticised and the further subjection of which is dreaded by many thoughtful and patriotic men as fraught with the danger of a subversion of the legislative branch. It lies upon the border line and has given rise to differences of opinion even among judges themselves as to what is properly a legislative or a judicial question. I am also aware of the gradual shifting from time to time of points of view of the field of conflict, the determination of the judicial attitude being settled at critical moments by a very narrow majority of the judges.

I cannot dwell upon these without blurring the sharpness of the outlines of my sketch, but I ought not to overlook their existence lest I should be mistaken for a blind zealot of government by the judiciary, which I am not. It

is true, under all common law methods of development, essentially characteristic of Anglo-Saxon and Anglo-American liberty, that systems become overgrown in certain directions, and that rank shoots spring from trunk or branches, but no skilled or prudent husbandman would use the axe where judicious pruning would suffice. There is a need, and a crying one, I think, for a thorough study of the differences between legislative, executive, and judiciary power in the light of modern instances and a re-survey of the territory appropriate to each so as to guard against trespasses which are quite as common in executive officers as in legislators or judges. It might be, if such a study were seriously and reverently undertaken, that the judiciary would voluntarily withdraw from the determination of questions largely economic, social or political, and that legislators, alive to the performance of their duty, will face their responsibilities with courage equal to the task of stating in unambiguous terms exactly the legislative intent instead of the evasive cowardice which hides itself in statutes of doubtful import. It might also be that executive officers will cease to exercise the power of coercive persuasion and moderate their ambitions to wrest from the popular representative branch the right to initiate and mould policies. It may also be that the radicals, having instilled energy and vigor and a broader sympathy with the claims of Democracy into every department of the Government and the public service, will be willing to abate a little from the spirit of vandalism and consider the scope and character of amendments to the fundamental law without disturbing the rights of the courts to pass on constitutional questions, and without marring the most expressive feature of our system.

It has been proposed, however, in certain quarters and seriously contended for, that decisions of a State Court on constitutional questions should be subject to revision by the people; that in a certain class of cases, if any consider-

able number of the people feel that the decision is in defiance of justice, they should be given the right by petition to bring before the voters at some subsequent election, either special or otherwise, as might be decided, and after the fullest opportunity for deliberation and debate, the question whether or not the judges' interpretation of the Constitution is to be sustained. If sustained, well and good. If not, then the popular verdict is to be accepted as final. The decision is to be treated as reversed, and the construction of the Constitution definitely decided, subject only to action by the Supreme Court of the United States.

How crude this plan is, and how lacking in detail. Who is to determine what constitutes "a considerable number of the people"? What is meant by "defiance of justice"? Are we relegated to a state of nature? Is a decree of a court of justice, reached by sworn judges, learned in the law, to be put into the melting pot of the emotions? To whom is the petition for a general election to be presented, and what will happen if it were refused? Who is to decide about the special election? Where are the debates to be had, and who are the parties who are to deliberate, and who is to moderate or preside over the debates? Is the law to be kept in a state of uncertainty until the final vote is taken? How is the result of the vote to be certified, and by whom? To whom is it to be certified? How will it reach the Supreme Court of the United States? Who are to be the parties to the suit, how is the record to be made up, and what will happen if the Supreme Court of the United States reverses all that has been previously done? Passing by all these practical difficulties, let us concern ourselves with the principle involved. If it is urged that the decision of a court is to be subject to revision by the people, that moment you hamstring the courts and emasculate the law, because you have no principles, no rules, no authorities, no science, no means by which the people are to judge of the decision, except their own notions of justice. These

will vary according to the time, place and circumstance. Men of brazen lungs or with a knack at story-telling, or with the subtilty of demagogues, will work on the passions and prejudices or will encourage envy, hatred, malice and all uncharitableness, and there will be a Babel of confusion. In the next place, respect for law, which is our crying need, will vanish. The court and the decision will be the main subject of discussion, and abuse of the judges and a contempt for the law will become a part of the debates and deliberations. To keep up agitation over the courts in all the States of the Union about their decisions on constitutional questions, which will vary in every State and with each statute under consideration, will be confusion worse confounded if the majority of the people in the States do not think and act alike. The loss to business, to orderly government, to respect for law, to certainty of the law, to uniformity of the law, will be incalculable. Everything will be swimming in a sea of uncertainty. It would give birth to a most irrational way of amending the Constitution by piecemeal and by chance. Law and justice, instead of being as stable as the hills, will become as unstable as the waves. So, too, my sense of reverence is shocked. I am not ashamed to confess that I do reverence American institutions. I do revere the wisdom of our sires. I do believe that that which has cost so much in blood and tears and money and patriotism, is worth saving. Heroes have died for it. Women have been widowed for it. Children have been orphaned for it. To chip off the expressive features of the Constitution bit by bit, to deface the noblest column in our Temple of Liberty, is nothing less than sacrilege.

It is now in order to ask what effects would the doctrine of the recall of judges, or the recall of decisions, have upon our judiciary? In the first place, it would destroy the independence of the Bench. This is not a mere phrase. It is something of priceless value. For six hundred years our ancestors struggled to secure an independent bench

of judges. From the days of William the Conqueror to those of William the Third judges were appointed by the crown to hold during the pleasure of the monarch. If judges did something displeasing to the king they were dismissed. What did this mean? Every time a judge had the courage to declare that the king was subject to the law and could not rule arbitrarily, he was disrobed—in modern phrase—"recalled." It is to the lasting honor of Sir Edward Coke, Lord Chief Justice of England, that when he was asked by James the First what he would decide in a given case, he replied "That which a good judge ought to do, according to the facts and the law as I see them." He lost his place, but his bravery and independence inspired other men. Finally when the wretched puppets of the royal will; the infamous Scroggs, the pliant Wright and the bloody Jefferys had filled the land with scaffolds, and James the Second had abdicated the crown, the new king, William the Third, announced as a fundamental doctrine of liberty that the judges should hold their places during good behavior and not at the royal will.

All these things took place during the time that America was being settled, and our well-instructed fathers knew them all. When it came to their turn to substitute the people for the crown as the source of sovereignty, they did not turn backward and put into the hands of the people the old kingly power of recalling judges. The Progressives of today fail to see that they are retrograding to ancient tyranny when they wish to subject the conduct of the Bench to the will of the appointing power. Not so with our fathers. When in 1787, in the very hall in which the Declaration of Independence had been signed, they framed the Constitution of the United States, they built into the Constitution the independence of the judiciary, and they safeguarded it by expressly adopting the good behavior principle, and by providing that judicial salaries should not be diminished during their terms, so as to prevent a compul-

sion of the judges by starvation to popular or executive will. The remedy for corruption or misbehavior was by impeachment.

Our State Constitutions, while changing from time to time, so as to make the judges elective by the people for fixed terms preserved the independence of the Bench in all other respects. The best description of an independent judge that I have ever read is given by Rufus Choate when he said, "If a law is passed by a unanimous legislature, clamored for by the general voice of the public, and a cause is before a judge upon it, in which the whole community is on one side, and an individual nameless or odious on the other, and he believes it to be against the Constitution, he must so declare it—or *there is no judge*. If Athens comes there to demand that the cup of hemlock be put to the lips of the wisest of men, and he believes that he has not sinned against the law, he must deliver him, although the thunder light upon the unterrified brow."

Who would honor a judge who quaked with fear in the presence of a mob, either inside or outside of the court house? Who would respect a judge who, with his ear to the ground, sought to ascertain in advance of his decision what the people thought the decision ought to be? Who would revere a man or a body of men, though robed in ermine, who were ready to surrender their conscientious convictions, abandon their intellectual honor and integrity, and disregard their oaths of office, to pander to popular will? Who would not denounce the wretched coward who foreswore his duty to palter with the foul fiend of temptation known as popular applause? What would happen if fear misread true popular opinion? Who could measure the depth of that disgrace? Did Pontius Pilate cleanse his hands of the blood of a just man by washing them in public, or his conscience in saying "I surrender him to you?" Did the people display their wisdom and justice by preferring Barabbas to Christ? In the next place, the recall of judges.

or the recall of decisions, would destroy the dignity and majesty of the law. If the people demand that a judge should decide at his peril lest he be recalled, it would at least be fair to give him notice in advance what public opinion was. How could this be done in a given case involving disputed questions of law and fact?

In the third place, the recall of judges would sweep the Bench, and the judiciary department would be prostrated. It would not mean the recall of one judge, but the recall of all the judges who had participated in the decision of the majority of the judges, high or low, in the court of first instance as well as in the Supreme or Appellate Court. The mass of the people always claim for their action the right to a majority rule, but in this case they would deny the rule of the majority upon the Bench, and by sweeping the Bench of that majority leave it in possession of a feeble and cowardly minority.

In the last place, the recall of decisions would be worse than the recall of judges. Judges are but individuals, but decisions are a part of the law until met by the orderly methods of amendment previously discussed. Certainty and uniformity of the law would be utterly lost. We have difficulties enough on that point owing to our many separate State sovereignties, which we are striving to meet through our committees in State Bar Associations on uniform legislation. Why should we add to the trouble? Suppose the people of one State had one view and the people of another State had another view, and you multiply all this by the number of States in the Union, and you had to have a mass meeting in every County in every State to vote upon the recall of a decision, when and how could it be recalled until all the Counties had been heard from and all the States had been heard from? In the meantime what is the law? What lawyer could safely advise his client? What business man would be safe in following the advice if any counsel

were bold enough to venture an opinion? Is this the system of law and order which we have been taught to revere? Do we really desire a change?

Let me now contrast the present orderly method of reaching a final conclusion upon constitutional questions with the proposed revolutionary methods of the recall.

A constitutional question may arise under an Act of Congress, a foreign treaty, a State Constitution or a State statute, in a suit between citizens and foreigners, citizens of different States or citizens of the same State, and in this sense a corporation is to be regarded as a citizen of the State of its parentage. It may affect either civil or personal rights or property rights defined and guaranteed by the Constitution. No Act of Congress can be valid which is in conflict with the Constitution of the United States. No State Constitution can be framed in conflict with the Constitution of the United States, and no State statute can conflict either with the Federal Constitution or the Constitution of the particular State where it originated. Questions affecting a State Constitution are finally decided by the highest court in that State, and cannot be carried to Washington unless the allegation is one involving a provision of the national Constitution.

This is our system, and the principles announced are fundamental. They are necessary to the harmony of the Union. Observe the variety and the range of the questions, and observe also that they are not matters of economic policy. Policy is not a judicial question at all, it is legislative. Hence the question for the court always is this, has Congress or the Legislature the power to pass the act? If it has no such power the statute falls. If the power exists the court cannot review the wisdom or the folly of the statute. This too is necessary to the harmony of our system. When a question lies upon the border line between the departments and arises out of a statute which is badly expressed, owing to uncertainty in the mind of the Legis-

lature as to its exact intent, the judicial task becomes all the heavier, and the matter is one of much nicety and difficulty. It is in cases of this kind that the greatest strain is put upon the Bench. Every presumption, however, exists in favor of the constitutionality of an act, so that the burden is always upon the litigant challenging the constitutionality of a law. The judges will not assume that Congress or State Legislatures intended to violate the Constitution, or that they have violated the Constitution. They must be sure, by a preponderance of argument, that a law is bad. This too is fundamental. In the vast majority of cases the final decision is in favor of the constitutionality of acts. It is important to remember this, because the din recently raised might lead the incautious citizen to suppose that the courts are mowing down State statutes or Acts of Congress with such freedom as to amount to the general business of annulling the legislative will. Such is not the case. No matter how numerous the instances have been in a land as big and as subdivided as ours into many States, decisions setting aside acts of a Legislature or of Congress are few in comparison with those where such acts have been sustained. The truth is that the judicial knife has been but sparingly used and only in cases of freedom from doubt, that condition being determined by the majority of the judges in the court of last resort. There is no other practical way. I have taken the time to count the number of decisions in the Supreme Court of the United States where Acts of Congress were declared to be unconstitutional, and I find that from 1790 to the present time but twenty-two instances exist. During the same time they exercised the same power, without challenge as to jurisdiction, in relation to the statutes of States and territories in one hundred and eighty-two instances. The proportion of cases in which Acts of Congress and Acts of State Legislatures were sustained, particularly in the exercise of that salutary but vague power known as the police power, is as twenty to one.

It is clear that the questions to be considered are not those with which the people at large are generally familiar, or which they are generally prepared to discuss. The matter necessarily must turn upon the interpretation of written language as applied to complicated facts. It involves the highest exercise of trained intellects dealing with the specialty of constitutional law. Seven-tenths of the lawyers in the land will frankly admit that they are not constitutional lawyers.

In view of the peculiar character of the discussion to be conducted, it must strike the thoughtful citizen that the notion that such questions as the overruling of these decisions of the court of last resort should be debated and deliberated upon by the people in mass meeting, with a view of recalling the judges or recalling the decisions, is about as grotesque and impracticable a proposition as can be made. But it has been contended that only where the decision is in defiance of justice, and a considerable number of people think so, that the doctrine of recall would apply. The fairest way of testing this is to take cases arising under what may be called the police power of the States, because these are the ones that touch citizens most closely in their persons or their property. To these may be added the tax cases as affecting property, and to these again may be added questions arising under workmen's compensation acts. Observe how problems may breed. Under the police statutes affecting the health and good order of the community, how easy it would be to secure a mass meeting of citizens, more or less superstitious and defiant on the subject of vaccination or quarantine. Or take pure food laws. How easy it would be to get up in oleomargarine cases, for instance, an opposition on the ground of the injustice of taking and destroying the property of citizens selling an article which is entirely harmless as a food. Tax cases, whether income or not, whether the single tax upon land or the exoneration of real estate, and how complicated the dis-

cussion must become, entirely apart from the question of the proportion in which each class shall bear the burdens of the State, and entirely irrespective of the opportunities offered for fraud, perjury and evasion. Take then the Employer's Liability Acts. These exist in eleven States, in six of which the constitutionality has been questioned. These Acts grew out of a very general sentiment that the burden of accidents in intrinsically dangerous trades should be so adjusted between the employer and the employee that the burden should fall directly upon the employer and indirectly upon the consumer, so that the shock of the accident might be borne ultimately by the community. With the justice of this policy the judges have no quarrel. Their difficulty has been to make the law square with the existing constitutional provisions which the people have permitted to stand. The constitutional barriers, if removed, would leave the judges free, but instead of clearing the way by intelligently considered amendments, an ungovernable rage is to be leveled at the judges. No blame should attach to that department of the government which did not create the barrier, and whose sworn duty it is to sustain the barrier as long as the people say that it shall stand. No just master would blame a servant for that which is not his fault. No just people will blame their judicial servants for that which is not their fault. If a man builds a solid wall across a road that he owns, it is neither rational nor just for him to turn his anger upon his driver for not smashing his vehicle against it. The very existence of the wall is a declaration of the master's will that driving in that direction is forbidden. Read the different constitutions affecting employers' liability. Study the decisions of the courts. Look at the extreme intricacy of the questions. Observe the anxiety of the judges to give effect if possible to the statutes. In some of the States the principle has been adopted of accumulating an insurance fund in the hands of the State, or under its control, to which employers contribute, and from

which injured workmen are paid. These laws have been sustained as constitutional. In others the principle of contract has been introduced, by which the employer and the employee agree, in the absence of express stipulations, to settle upon a tariff or scale of compensation for injuries. These laws have not yet been definitely tested. In other States both these features are lacking, and in one of them the law was held to be unconstitutional by a unanimous court on the ground that the master in that case was entirely without fault or negligence of any kind. The accident was a pure accident without negligence on the part of the master, and under the Fourteenth Amendment of the Constitution of the United States, and under the State Constitution, it was held that no man could be deprived of his property without due process of law. What fair-minded man can say that this is a ruling purely in defiance of justice? If it be just that a man's property can be taken to pay for another's injury when the man whose property is taken has committed no fault whatever, the same rule must apply to every man who employs laborers, whether few or many. Smarting damages will not be confined to corporations or to rich employers alone. The truth is that the reversal in the last few years of the long established rules of negligence, of assumption of the risks of employment, of the doctrine of the negligence of co-employees, and the modifications of the doctrine of contributory negligence, have given birth to problems of great perplexity. Can these be properly solved by mass meetings? But, whatever the difficulty, must we seek a remedy by recalling the judges and emptying the Bench, or by recalling decisions and making the law uncertain, by planting ourselves upon the slippery ground of an alleged defiance of justice, where the point of view of what is justice is largely dependent upon whose ox is being gored? Then, too, how much of the decision is it intended to recall? If loss for an injury is to be paid for independent of fault, how long will it be before

the principle is extended to making men pay their neighbors' debts, so as to prevent business unfortunates from becoming a burden to the community? Some men have argued that the extent of the doctrine of recall should be limited so as to guard against its too wide application. Let such define in writing just exactly what they mean. Let them sit down and try it. They will probably find themselves dealing with unfamiliar and edged tools. In their plight perhaps they will ask some friend to do it, whether layman or lawyer, and then present it at a mass meeting in the shape of a resolution. After it has been torn to shreds bit by bit by amendments offered through passion rather than by reason, the resolution in its final form passes. What is the result? It is clear that whoever wrote the final resolution becomes a substitute for the judges in declaring what the law is; in short, becomes the final expositor of the law. He has not been elected by the people. He does not represent the people. He is not a judge. He is not trained in judicial forms of procedure or judicial systems, and representative government is at an end. The judiciary has been recalled. The decision has been recalled. Every mass meeting has its own set of resolutions. What then is the law? Who is to determine? Seriously, my fellow lawyers, is this what we are aiming at?

I confess to a feeling akin to awe when I contemplate the manner in which for a century and a quarter the judges, both Federal and State, have with rare exceptions upheld the independence of the Bench, a doctrine which it cost our English sires six centuries of struggle to acquire, which is secured by the tenure of good behavior, which is safe from the odium of appointing boards and commissions and licenses and privileges, which would sully the ermine by the blight of suspicion; that independence which knows no fear, which is no respecter of persons, which cringes to no governmental officer, which quakes at no hurricane of popular clamor, which knows nothing about the parties but every-

thing about the cause, which does nothing for the sovereign, nothing for a patron, but everything for justice, which dreads no consequences save the stings of conscience for violated duty, which pronounces judgment as it is given to finite human understanding to see the law, that independence which is the most precious jewel in the people's treasure chest, which dissipates by its light the darkness of ignorance, which gives assurance that never will a sober, righteous and self-respecting people, with a full knowledge of its value, permit the measureless abomination and the unspeakable sacrilege of the judicial recall.

In truth, so far as the thoughts of mortals may approach the divine mind, the architecture of our Constitution resembles that of the heavens, where States circle like planets about the Federal Government as a central sun, the source of light, power, harmony and beauty, productive of separate existences and destructive of none, while moving without collision or chaos to the majestic music of Freedom down the corridors of Time.

THE PRESIDENT: The next business in order is the reading of the minutes of the last meeting.

WILLIAM RIGHTER FISHER, Philadelphia: As the minutes have already been printed and circulated among the members, I move the reading of the minutes be dispensed with.

Duly seconded, and agreed to.

THE PRESIDENT: The next business is the reading of the Treasurer's Report.

SAMUEL E. BASEHORE, *Treasurer*, Cumberland, then read the

REPORT OF THE TREASURER

ERIE, PA., *June 30, 1914*

Report of Samuel E. Basehore, Treasurer of the Pennsylvania Bar Association, showing the receipts and disbursements from June 24, 1913, to June 30, 1914.

Dr.

To balance in hands of Treasurer as shown by last report	\$5,715 66
To dues collected for year ending July 1, 1913..	\$185 96
To dues collected for year ending July 1, 1914..	1,945 00
To dues collected for year ending July 1, 1915..	2,750 00
	<hr/>
	4,880 96
To interest collected on special deposit.....	67 50
To interest collected on permanent investment as follows:	
On one bond of Reading Co. & Philadelphia & Reading Coal & Iron Co. General Mortgage, to July 1, 1914	20 00
On two bonds of Lehigh Valley General Consolidated, to May 1, 1914.....	45 00
	<hr/>
	65 00
To sale of annual volume.....	2 00
To refund on return of cigars not used.....	7 50
	<hr/>
Total	\$10,738 62

Cr.

By disbursements from June 24, 1913, to June 30, 1914	\$7,728 51
By balance in hands of Treasurer as shown by certificates from First National Bank, Mechanicsburg, Pa., herewith submitted.....	3,010 11
	<hr/>
	\$10,738 62

Five hundred (\$500.00) dollars of the above balance is on special deposit at interest as a reserve fund; and the remaining balance, \$2510.11 is subject to check.

In addition to the above stated balance, the Association has the following permanent investments, made under the direction of the Executive Committee:

Reading Company and Philadelphia and Reading Coal and Iron Company General Mortgage \$1000. Bond, purchased at	\$951 25
Lehigh Valley Railroad Company General Consolidated Mortgage 4½% Gold Bonds for \$2000, purchased at..	1,950 00
Total permanent investment	\$2,901 25

Here follows detailed statement of disbursements, as shown by the accompanying bills and vouchers, which includes all bills submitted to date:

1913			
July	1	Pd. Howe Addressing Co., postage on circulars...	\$23 30
"	2	" Howe Addressing Co., envelopes, wrappers and addressing same	8 71
"	2	" William H. Staake, sundry expenses incurred at annual meeting	234 38
"	3	" Bailey, Banks and Biddle Co., menus for annual banquet	130 00
"	8	" Henry B. Grauley, cigars for annual banquet..	125 88
"	16	" Thomas A. Fenstermaker, stenographic services, annual meeting, 1913	187 50
"	23	" T. Elliott Patterson, Secretary Legal Biography Committee, portion of appropriation	300 00
Aug.	16	" John B. Dampman, expenses of the Newspaper Committee at Cape May	121 51
Sep.	12	" Thomas Printing House, printing circular letters	1 25
"	12	" Fidelity Storage and Warehouse Co., storage, labor and express	21 47
"	24	" Eugene C. Massie, Treasurer, annual dues of Association as member of Class B, Comparative Law Bureau, American Bar Association, to June 1, 1914.....	125 00
Oct.	6	" F. S. Mumma and Son, agents, Treasurer's bond	12 50
Dec.	6	" Fidelity Storage and Warehouse Co., storage.	18 00
"	10	" William H. Staake, Secretary, clerk hire and services as Secretary from July 1, 1913, to January 1, 1914	250 00
"	10	" Samuel E. Basehore, Treasurer, clerk hire and services as Treasurer from July 1, 1913, to January 1, 1914.....	250 00
"	13	" Howe Addressing Co., addressing envelopes and mailing circulars	5 51
"	16	" Edward A. Walz and Co., six frames.....	4 50

1913

Dec. 23	Pd.	E. Moebius Co., 1500 copies of four portraits for annual volume	128 00
" 27	"	George H. Buchanan Co., printing pamphlets, programmes, circulars, reports of Committees, envelopes, application blanks; also printing and binding 1500 copies annual volume No. 19	1,545 56

1914

Jan. 12	"	Lewis Hopper, stenographic services.....	19 00
" 12	"	John B. Colahan, Jr., reimbursement for cigars purchased	18 85
" 28	"	Thomas A. Fenstermaker, stenographic services at mid-winter meeting of Executive Committee	32 55
" 29	"	Martin & Co., \$1000 Reading Company and Philadelphia and Reading Coal and Iron Company, General mortgage bond	\$951 25
" 29	"	Martin & Co., \$2000 Lehigh Valley Railroad Company General Consolidated Mortgage 4½% Gold Bond..	1,950 00
			<hr/> 2,901 25
" 29	"	Martin & Co., accrued interest on said bonds..	25 11
Feb. 14	"	Joseph N. Rauffenbart, hauling, expressage, packing and shipping volume 19	108 41
" 18	"	T. Elliott Patterson, Secretary Legal Biography Committee, portion of appropriation	300 00
Mar. 6	"	Fidelity Storage and Warehouse Co., storage..	18 00
Apr. 18	"	Thomas Printing House, stamped envelopes and notices for annual dues	85 75
" 23	"	Hardwick and Magee Co., inlaid linoleum for Association Room at University Law School Building	105 52
May 15	"	Keystone Printing and Binding Co., membership book	10 50
" 23	"	John W. Wetzel, Secretary Admission Committee, reimbursement for costs of printing application blanks and postage	5 50
June 3	"	Thomas Printing House, letter heads and paper	5 50
" 3	"	Fidelity Storage and Warehouse Co., storage and hauling	21 75
" 10	"	William H. Staake, Secretary, clerk hire and services as Secretary from January 1, 1914, to July 1, 1914	250 00

1914

June 10 Pd.	Samuel E. Basehore, Treasurer, clerk hire and services as Treasurer from January 1, 1914, to July 1, 1914	250 00
" 17 "	Geo. B. Bains & Son, Inc., case and cover....	25 00
" 23 "	George H. Buchanan Co., stamped envelopes..	12 75
" 24 "	Aetna, and Hartford Insurance Companies, insurance on annual volumes in storage	25 00
" 25 "	J. H. Koller, storage of annual volumes	15 00
Total		\$7,228 51

June 30, 1914, examined, compared and found correct.

CASPER DULL,
ROBERT A. STOTZ,
WILLIAM W. RYON,
Auditing Committee.

The Association has in storage at the Fidelity Storage and Warehouse Company, and at 501 Franklin Building, Philadelphia, Pa., the following articles, viz:

3793	Reports of the Pennsylvania Bar Association, appraised by the Association at \$2 per volume	\$7,586 00
200	Reports of Bar Associations throughout the United States, appraised at 25 cents each	50 00
1	American flag, appraised at	20 00
1	Pennsylvania State flag, appraised at	20 00
1	Registry book, appraised at	10 00
1	Gavel, appraised at	1 00
2	Sections of sectional bookcase	
185	Stamped envelopes	3 70
90	Stamped envelopes	1 80
325	Postal cards	3 25
350	Letter heads	
Committee reports, papers read at the different meetings of the Association (in pamphlet form).		
Total at Philadelphia		\$7,695 75

The Association has also in storage at the J. H. Koller warehouse, Mechanicsburg, Pa., the following reports, viz:

3139	Reports of the Pennsylvania Bar Association, appraised by the Association at \$2 per volume.....	\$6,278 00
Interest of the Association in the Translation of the Imperial Civil Code of Germany		825 11
Total		\$14,798 86

MEMORANDA OF MEMBERSHIP

Total number on rolls at last report.....	1044
Number reported deceased	28
Number resigned	8
Number dropped for non-payment of dues	25
	—
	61
	—
	983
Number reinstated	1
Number admitted	68
	—
	69
	—
Members	1052
Honorary members	21
	—
Total on roll at this date	1073

Respectfully submitted,

SAMUEL E. BASEHORE,
Treasurer.

THE PRESIDENT: What action will you take upon this report?

WILLIAM H. STAAKE, Philadelphia: I would move that the Report of the Treasurer be received and filed. The report indicates that it has already been audited by a committee appointed by the Executive Committee. So I think there will be no further action necessary in connection with that report.

Duly seconded, and agreed to.

THE PRESIDENT: The next in order is the Report of the Secretary.

WILLIAM H. STAAKE, *Secretary*, Philadelphia, then read the

REPORT OF THE SECRETARY

To the President and Members of the Pennsylvania Bar Association:

Your Secretary respectfully reports:

The Nineteenth Annual Meeting at Cape May, New Jersey, adjourned on the afternoon of Thursday, June 24, 1913, after which the Secretary attended the meeting of the Executive Committee, which organized by the election of Owen J. Roberts, Esq., of Philadelphia, as its chairman. Thereafter he attended the meetings of the Executive Committee in Room 646, City Hall, Philadelphia, on Tuesday, December 30, 1913, and at Erie, Pa., on Tuesday morning, June 30, 1914.

After the adjournment of the Association, the Secretary always makes every effort to secure an early completion of the Annual Report, but notwithstanding his strenuous exertions, he has frequently, for reasons entirely beyond his personal control—not necessary to be stated in this Report—been prevented from distributing the Reports among the members before the months of November or December following. Reference is made to this matter because the Secretary feels there is just cause for complaint of this delay, but it should be remembered the Report is not made up when the Secretary receives the transcribed report of the proceedings at the Annual Meeting from the official stenographer. Proofs have to be submitted to speakers and officers and be read by them, committees have to be appointed and the members notified of their appointment; photographs of the President, the Honorary Orator and the readers of papers have to be obtained and be phototyped and the Report has to be indexed, printed and bound. All of these matters consume considerable time, and in addition it must not be forgotten that your Secretary has other duties to perform than those of this office, and that

it is impossible for him to give all of his time and energy to the performance of his duties as Secretary, as set out in Section 13 of the By-laws: "as well as such other duties as may be required of him by the Association, the President or the Executive Committee." The Secretary is, however, not the Executive Committee, which Committee, by the provisions of Section 31 of the By-laws has "the general management of affairs of the Association," makes the "arrangements for meetings, including, as far as may be, the obtaining of reasonable accommodations at and of reasonable transportation to and from, the place of meeting." This statement by the Secretary is not intended to be a complaint by him, but as an explanation to the membership of the Association, which, since January, 1901, has honored him by electing him as Secretary.

As usual, the Secretary has often been in conference and correspondence with the President, the Hon. Hampton L. Carson, Treasurer Samuel E. Basehore, and with Chairman Owen J. Roberts, of the Executive Committee. He has also had an extended correspondence with members of the various standing and special committees, as well as with many members of the Association.

As directed, the thanks of the Association were sent by the Secretary to the publishers of law journals of the Commonwealth for their continued courtesy to the Association, in gratuitously publishing the various bulletins and notices sent out by the Secretary.

The thanks of the Association were also communicated to the Board of Trustees, Provost and the Faculty of the Law School of the University of Pennsylvania for their courtesy in housing, free of any charge to the Association, the historical and other collections of the Association, an inventory of which is found in the Nineteenth Annual Report, pages 103 to 108 inclusive.

The Secretary has sent to the Pennsylvania State Library at Harrisburg, Pa., the reports of Bar Associa-

tions of other States, and jurisdictions, which are kept there "intact in the safe in the Law Library, which is practically a small fireproof room and equipped with metal shelving." The Library has placed in each volume the State Library book-plate, upon the bottom of which is stamped, "Loaned by Pennsylvania State Bar Association."

The following Reports of Bar Associations throughout the United States were sent to State Librarian, Harrisburg, Pa., June 9, 1914:

- American Bar Association, 1911 and 1913.
- Alabama State Bar Association, 1912 and 1913.
- California Bar Association, 1911 and 1912.
- Colorado Bar Association, 1912 (President's Address. etc.).
- Georgia Bar Association, 1912 and 1913.
- Illinois State Bar Association, 1912 and 1913.
- Indiana Bar Association, 1912.
- Kentucky State Bar Association, 1912 and 1913.
- Maryland State Bar Association, 1913.
- Massachusetts Bar Association, 1912 and 1913.
- Michigan State Bar Association, 1912.
- Minnesota State Bar Association, 1912 and 1913.
- Mississippi State Bar Association, 1912 and 1913.
- Nebraska State Bar Association, 1911 and 1912.
- Nevada Bar Association, 1912.
- New Jersey State Bar Association, 1912-1913 (Year Book).
- New Jersey State Bar Association, 1913-1914 (Year Book).
- New York State Bar Association, 1912 and 1913.
- Association of the Bar of the City of New York, 1913 (Year Book).
- North Carolina Bar Association, 1911, 1912 and 1913.
- Ohio State Bar Association, 1912 and 1913.
- Rhode Island Bar Association, 1911 and 1912.
- South Carolina Bar Association, 1912 and 1913.

South Dakota Bar Association, 1912

Texas Bar Association, 1913.

Utah State Bar Association, 1912.

Virginia State Bar Association, 1911, 1912 and 1913.

Washington State Bar Association, 1913.

Acknowledgments have been received from National and State Libraries, Universities and College Law School Libraries, and others, upon the exchange list of the Association, of the receipt of copies of our Nineteenth Annual Report. Under the authority heretofore given to the Secretary, he has sent copies of the reports to the Supreme Court Library, Springfield, Illinois, and to the Law School of the Catholic University, University Station, Washington, D. C.

Including the present Twentieth Annual Meeting the Association has met at Bedford Springs, Pa., eight times; Cape May, New Jersey, five times; Cambridge Springs, Pa., three times; Delaware Water Gap, Wilkes-Barre, Cresson Springs and Erie, each one time.

The Nineteenth Annual Report of the Association, separate reports of committees, and other papers printed by the Secretary, have been distributed to the members of the Association.

The unavoidable delay in the preparation and completion of reports of committees and papers, has prevented their mailing by the Secretary to members at least thirty days prior to the Annual Meeting, as required by a standing resolution of the Association.

The Report for 1913 contains 386 pages, exclusive of the portraits; the report for 1912 contained 559 pages, and for 1911, 448 pages; 1910, 572 pages; 1909, 521 pages; 1908, 487 pages; 1907, 643 pages; 1906, 487 pages; 1905, 444 pages, and 1904, 440 pages.

The usual requests for copies of the reports of the Association have been received by the Secretary from colleges, law associations, courts and individuals.

The official notices issued by the Secretary have been printed by the

Berks County Law Journal, Reading, Pennsylvania.
Dauphin County Reporter, Harrisburg, Pennsylvania.
Delaware County Reporter, Chester, Pennsylvania.
Lancaster Law Review, Lancaster, Pennsylvania.
Legal Intelligencer, Philadelphia, Pennsylvania.
Luzerne Legal Register, Wilkes-Barre, Pennsylvania.
Montgomery County Law Reporter, Norristown, Pennsylvania.
Northampton County Reporter, Easton, Pennsylvania.
Pittsburgh Legal Journal, Pittsburgh, Pennsylvania.
York Legal Record, York, Pennsylvania.

If there are other law journals in the Commonwealth the Secretary will gratefully appreciate the sending to him of the names of such journals and the addresses of the publishers.

The usual preliminary announcements of the time and place of holding this Annual Meeting have been sent to these journals and also, by circular statements, to each member of the Association. Reply postal cards have been sent to each member of the Association, with the purpose of ascertaining approximately the attendance of members at the Twentieth Annual Meeting, and the number of members of their families who will accompany them.

An invitation was extended to his Excellency, Governor John Kinley Tener, and Mrs. Tener, to attend this Twentieth Annual Meeting as its guests, which has been accepted by Governor Tener, who has during the course of his administration always manifested great interest in the objects of the Association, and with the members of his Cabinet and Private Secretary, shown every courtesy to its officers and members, always desiring to coöperate with the Association in promoting the objects for which

the Association was organized, viz.: "advancing the science of jurisprudence, promoting the administration of justice; securing proper legislation, encouraging a thorough legal education, upholding the honor and dignity of the Bar, cultivating cordial intercourse among the lawyers of Pennsylvania, and perpetuating the history of the profession and the memory of its members."

The room for the storage of the reports and other personal property in the vaults of the Fidelity Storage Warehouse Company, Philadelphia, being filled to its full capacity, the Secretary, after consultation with the President and the Chairman of the Executive Committee, has rented a larger room, in which access to the books will be more convenient and their good condition will be better preserved.

The floor of the room in the Law School of the University of Pennsylvania, 27 feet 6 inches by 32 feet, has been covered with linoleum with a good lining under it at an expense of \$105.52.

The National One-Cent Letter Postage Association again requests the Association to adopt resolutions in favor of one-cent letter postage.

The Lawyers' and Bankers' Corporation, through its President and Editor, Charles E. George, Esq., requested a list of the officers of the Association for publication in its magazine and expressed an intention of favorably commending papers printed in "the last published report of the Association."

Judge Seawell, of San Francisco, applied for a pamphlet copy of Mr. Ashhurst's paper on "William M. Meredith," which the Secretary was unable to furnish.

President Carson, on March 4, 1914, appointed the "Committee on Securing New Members of the Pennsylvania Bar Association" as follows:

FREDERICK J. SHOYER, Philadelphia, *Chairman*
HAROLD B. BEITLER, Philadelphia
HENRY A. JAMES, Bucks
CLARENCE E. SPROUT, Lycoming
W. A. CHALLENGER, Allegheny
CASPER DULL, Dauphin

The Secretary sent to each member of the Association a list of the officers and of the Committee appointments made by the President, together with blank applications for membership in the Association for use in securing new members for the Association.

The prompt registry by members in the book of the Association is most respectfully requested. The book is located on the counter at the hotel office.

The tables for the banquet, as already stated in the circular program sent to each member, will be for six persons at each table. The assignments of tables will be made strictly in the order of the reception of the table cards by the Committee of Arrangements. Members of the Association not guests at "The Lawrence" will kindly secure their tickets for the banquet at the hotel office. "The Lawrence" being conducted on the European plan, each member will be charged \$2.00 per capita for himself and for each member of his family accompanying him. The charge for guests of "The Lawrence" will be made upon the hotel bills. Members of the Association have not the privilege of inviting members of the Bar or other guests to the banquet, the privilege of attending the banquet being restricted to members of the Association and the ladies of their families accompanying them.

A more prompt return of the reply postal cards by members of the Association will greatly facilitate the officers of the Association in making proper provision for their entertainment.

Communications have been received from the Hotel Champlain, Champlain, Clinton County, New York, and

from the Atlantic City Publicity Bureau suggesting that the next annual meeting of the Association should be held at the places named.

Trusting the Twentieth Annual Meeting may be in every respect an enjoyable one, and that every object of the Association may be promoted to the good of the members of the legal profession and the great benefit of the State and Nation, the Secretary presents this as his annual report.

WILLIAM H. STAAKE,
Secretary.

CASPER DULL, Dauphin: I move that the Report of the Secretary be received and filed, and that the thanks of the Association be returned to the publishers of the legal journals of Pennsylvania for their continued courtesies to the Association.

Duly seconded, and agreed to.

THE PRESIDENT: The next report in order is that of the Executive Committee.

OWEN J. ROBERTS, *Chairman*, Philadelphia, then read the

REPORT OF THE EXECUTIVE COMMITTEE

June 30, 1914.

To the Pennsylvania Bar Association:

The Executive Committee presents the following report:

The newly elected Executive Committee met on June 26, 1913, pursuant to notice from the Secretary of the Association, in the Hotel Cape May, after the adjournment of the Association. Judge O'Connor presided.

The following members were present:

HENRY A. JAMES, Bucks
ALONZO T. SEARLE, Wayne
WILLIAM W. RYON, Northumberland
W. RUSH GILLAN, Franklin
ROBERT A. STOTZ, Northumberland
PETER M. SPEER, Venango
FREDERICK J. SHOYER, Philadelphia,
A. B. SMITH, JR., Susquehanna
HAROLD B. BEITLER, Philadelphia

Also the following officers of the Association:

WILLIAM H. STAAKE, *Secretary*, Philadelphia
SAMUEL E. BASEHORE, *Treasurer*, Cumberland

The Secretary called the meeting to order and upon motion of Mr. Beitler, duly seconded, Owen J. Roberts was nominated for the office of Chairman of the Committee and was duly elected.

On motion, Tuesday, December 30th, at 10.30 o'clock a. m., was fixed for the time of holding the mid-winter meeting of the Committee in the City of Philadelphia.

The mid-winter meeting of the Committee was held on Tuesday, December 30, 1913, at 10.30 o'clock a. m., in Room J of Court of Common Pleas No. 5, of Philadelphia, the following members were present:

HENRY A. JAMES, Bucks
ALONZO T. SEARLE, Wayne
WILLIAM W. RYON, Northumberland
JOHN M. CORE, Fayette
CASPER DULL, Dauphin
PETER M. SPEER, Venango
CLARENCE E. SPROUT, Lycoming
FREDERICK J. SHOYER, Philadelphia,
HAROLD B. BEITLER, Philadelphia
A. B. SMITH, JR., Susquehanna
OWEN J. ROBERTS, *Chairman*, Philadelphia

Also the following officers of the Association:

HAMPTON L. CARSON, *President*, Philadelphia
WILLIAM H. STAAKE, *Secretary*, Philadelphia
SAMUEL E. BASEHORE, *Treasurer*, Cumberland

The minutes of the preceding meeting were read and approved.

The Treasurer presented a provisional report and a summary of his accounts for the information of the Committee.

The Secretary reported that he had received communications concerning the next meeting of the Association from the Bedford Springs Hotel, Bedford Springs, Pennsylvania; the Hotel Cape May, Cape May, New Jersey, and also from the Erie County Bar Association.

After a full hearing of Judge Walling and Hon. A. E. Sisson, who were present to represent the Erie County Bar Association, and a full discussion of the merits of the various meeting places proposed, it was moved by Mr. Ryon that the next meeting of the Association should be held at the Hotel Lawrence in Erie. The motion was carried.

On motion of Mr. James, duly seconded and carried, Tuesday, Wednesday and Thursday, June 30, July 1 and 2, 1914, were selected as the days for holding the Annual Meeting.

On motion of Judge Staake, duly seconded and carried, the selection of the orator for the Annual Meeting was left to the President of the Association.

It was moved, seconded and carried that a committee of five persons, of which the Chairman and Secretary of the Executive Committee should be members, be appointed as a Committee on Arrangements.

It was moved, seconded and carried that each County Judge of the Commonwealth be notified of the time of meeting in order that the sessions of the courts might be arranged accordingly.

It was moved, seconded and carried that the number of papers to be read at the meeting be limited to two in addition to the annual address, and that the selection of the papers be left to the Committee on Arrangements.

The Committee on Obtaining Permanent Investments for a portion of the funds of the Association to yield a higher rate of interest than a mere deposit account would yield, reported that the securities which should be bought for the Association should be standard underlying railroad bonds, which would yield about 5 per cent. The matter of making such investments was referred with power to the Committee, consisting of the Chairman and Messrs. Shoyer and Beitler, in conjunction with the Treasurer.

It was moved, seconded and carried that the amount so invested should be left to the Committee and the Treasurer.

The matter of increasing the membership of the Association was taken up by the Committee and thoroughly discussed.

It was moved, seconded and carried that a special committee of five members from the Executive Committee be appointed to conduct a campaign in the interests of a large membership, with power to appoint sub-committees in each district.

It was also moved, seconded and carried that the matter of obtaining a new floor covering for a room in which the Historical Collection of the Association is located should be left to the Secretary of the Committee on Legal Biography and the Secretary of the Association, with power to act and to draw upon the Treasurer of the Association for the necessary funds.

The members of the Committee and other members of the Association were entertained by the Lawyers' Club of Philadelphia at a luncheon in the Bellevue-Stratford Hotel for the Chairman of the Committee, and in the evening a reception was given by the President of the Association to the officers of the Association and members of the Executive Committee and other committees to meet the officers and members of the committees of the Law Association of Philadelphia.

The hospitality of the President was greatly enjoyed, and a most pleasant evening spent at his home.

The final meeting of the Executive Committee was held at 10.30 a. m. June 30, 1914, in the Hotel Lawrence, Erie, Pennsylvania. The following members were present:

W. A. CHALLENGER, Allegheny
CASPER DULL, Dauphin
ALBERT W. JOHNSON, Union
WILLIAM W. RYON, Northumberland
ROBERT A. STOTZ, Northumberland
FREDERICK J. SHOYER, Philadelphia
OWEN J. ROBERTS, *Chairman*, Philadelphia

Also the following officers:

HAMPTON L. CARSON, *President*, Philadelphia
WILLIAM H. STAAKE, *Secretary*, Philadelphia
SAMUEL E. BASEHORE, *Treasurer*, Cumberland

The minutes of the previous meeting were read and approved.

Samuel E. Basehore, Treasurer, presented his report, which was accepted and referred to a Committee composed of Messrs. Ryon, Stotz and Dull for audit, which Committee afterwards reported that the report has been audited and found to be correct.

The report of the Hon. William H. Staake was presented and approved by the Committee for presentation to the Association.

The Secretary was directed to make the necessary outlay in connection with the banquet and in entertainment of guests of the Association.

The Report of the Committee was directed to be presented to the Association.

Following is the program prepared by the Committee for this meeting of the Association:

PROGRAM

TUESDAY, JUNE 30, 1914

Afternoon Meeting, 2 o'clock

President's Address, by HON. HAMPTON L. CARSON, Philadelphia, Pa.
Subject: "The Evolution of the Independence of the Judiciary"

Reading of Minutes

Treasurer's Report—SAMUEL E. BASEHORE, ESQ., Mechanicsburg, Pa.
Secretary's Report—HON. WILLIAM H. STAAKE, Philadelphia

Reports of Committees

Executive—OWEN J. ROBERTS, ESQ., Chairman
Law Reform—HON. WILLIAM U. HENSEL, Chairman
Legal Education—FRANCIS H. BOHLEN, ESQ., Chairman
Legal Biography—LOUIS RICHARDS, ESQ., Chairman
Admissions—EDWARD J. FOX, ESQ., Chairman
Grievances—CYRUS G. DERR, ESQ., Chairman
Uniform State Laws—CHARLES L. MCKEEHAN, ESQ., Chairman
Special Committee on "Contingent Fees"—HON. ABRAHAM M. BEITLER, Chairman
Special Committee on "Revision and Unification of the Statutes"—RUSSELL DUANE, ESQ., Chairman
Special Committee on "Reform in Township Law"—RODNEY A. MERCUR, ESQ., Chairman
Special Committee on "Revision and Amendment of Penal Laws"—EDWIN M. ABBOTT, ESQ., Chairman
Special Committee on "Return Days in Appellate Courts"—STEVENS HECKSHER, ESQ., Chairman
Report of Delegates to American Bar Association
Report of Delegates to Comparative Law Bureau
Appointment of Committee on Nominations
Consideration of Reports of Committees

Evening Meeting, 8 o'clock

Annual Address—HON. GEORGE W. WICKERSHAM, New York
Subject: "Government by Administrative Commission"

WEDNESDAY, JULY 1, 1914

Morning Meeting, 10 o'clock

Further Consideration of Reports of Committees
Unfinished Business
Reading of Bills for Proposed Legislation

(No Afternoon or Evening Meeting)

The members of the Association and the members of their families accompanying them will be the guests of the Erie County Bar Association for "An automobile ride or a ride on the bay and lake, as may be desired, to be followed with a white fish dinner at Kahkwa Club" in the evening. The privilege of the Golf Club is also extended to the members of the Association and their families desiring to avail themselves thereof, during the meeting of the Association.

THURSDAY, JULY 2, 1914

Morning Meeting, 10 o'clock

Paper by LOUIS RICHARDS, Esq., Reading
Subject: "Jacob Rush and the Early Pennsylvania State Judiciary"
Paper by T. ELLIOTT PATTERSON, Esq., Philadelphia
Subject: "The Selection and Drawing of Jurors"
Discussion of Papers
Unfinished Business

Afternoon Meeting, 3 o'clock

Appointment of Delegates to the American Bar Association and the Comparative Law Bureau of the American Bar Association
Unfinished Business
New Business
Election of Officers

Annual Banquet, 7.30 p. m.

The HON. HAMPTON L. CARSON, retiring President, Toastmaster
Responses to toasts are expected from his Excellency the GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA and HON. GEORGE W. WICKERSHAM, New York; HON. ALONZO T. SEARLE, Honesdale, Pa., WILLIAM M. HARGEST, Esq., Harrisburg, Pa., and others.

The President reported that he had appointed a Committee on Arrangements consisting of Messrs, Colahan, of Philadelphia; Sisson, of Erie; E. Z. Smith, of Allegheny, and the Secretary and Chairman of the Executive Committee.

The Committee on Arrangements reported that Mr. Wickersham's engagements are such that he will be unable

to remain for the banquet, and that Hon. Robert W. Irwin will respond to the toast of "The United States," and that Mr. Rossiter, of Erie, will also respond to a toast.

Respectfully submitted,

OWEN J. ROBERTS,
Chairman.

HENRY C. NILES, York: I move that the Report of the Executive Committee be received and filed.

Duly seconded, and agreed to.

THE PRESIDENT: The next report is that of the Committee on Law Reform.

WILLIAM U. HENSEL, *Chairman*, Lancaster: The Report of the Committee on Law Reform is in type and has been distributed amongst the members in conformity with the rule which requires the preliminary distribution of any report of suggested legislation. Since the report has been printed one or two suggestions have been received by the Committee, which will be considered; and the Committee reserves the right when the report comes up for consideration by the Association to make one or two amendments.

REPORT OF COMMITTEE ON LAW REFORM

To the Members of the Pennsylvania State Bar Association:

GENTLEMEN:

The Committee on Law Reform for the year 1913-14, submits the following report.

Two stated meetings of the Committee were held during the year, the first in Philadelphia, on December 30, 1913, and the second at the home of the Chairman, on May 30, 1914.

The earlier meeting was attended by nearly all of the members of the Committee. Most of the matters which came before that meeting for consideration were referred to sub-committees to report at the later meeting, at which there were present, W. U. Hensel, Chairman, Robert Ralston, Henry C. Niles, Thomas J. Baldridge, John D. Dorris, William I. Schaffer, G. A. Endlich and George Calvert Lewis—all of the members except Nathaniel Ewing, whose death created a vacancy in the Committee, and C. LaRue Munson, who was unavoidably detained from participation in this meeting.

Your Committee re-calls attention to the fact noted in its report last year, that the Act approved by the Association, relating to the equity rule that averments of a responsive answer must be overcome by the testimony of two witnesses, has been enacted and approved.

The statute approved by the Association, relating to admission of practitioners in the Supreme Court to practice in the other Courts of this Commonwealth, which your Committee reported last year as having been passed by the General Assembly, was vetoed by the Governor of the Commonwealth, which veto is published in "Vetoed by the Governor" for 1913, page 139. Your Committee herewith presents the Act and the Governor's reasons for its disapproval:

"AN ACT

PROVIDING WHAT EFFECT SHALL BE GIVEN TO ADMISSION TO PRACTICE IN THE SUPREME COURT, WHEN THE PERSON SO ADMITTED APPLIES FOR ADMISSION TO PRACTICE IN THE OTHER COURTS OF THIS COMMONWEALTH.

"SECTION 1. Be it enacted, etc., That from after the passage of this Act, admission now had or that hereafter may be had to practice as an attorney-at-law in the Supreme Court of this Commonwealth shall be conclusive proof that the person so admitted is possessed of sufficient learning and ability to prac-

tice in any other Court of this Commonwealth, but shall have no other or further effect in determining whether or not he shall be admitted to practice in such other Courts.

"SECTION 2. All Acts or parts of Acts inconsistent herewith are hereby repealed."

"COMMONWEALTH OF PENNSYLVANIA,
EXECUTIVE CHAMBER,

HARRISBURG, June 27, 1913.

"To the Honorable, the Senate of the Commonwealth of Pennsylvania.

"GENTLEMEN: I return herewith, without my approval, Senate Bill No. 139, entitled 'An Act providing what effect shall be given to admission to practice in the Supreme Court when the person so admitted applies for admission to practice in the other Courts of this Commonwealth.'

"The purpose of this Bill, no doubt, was to authorize the Board of Examiners of the various judicial districts throughout the Commonwealth of Pennsylvania to pass upon the moral standing and integrity of all applicants for admission to practice in the various districts, notwithstanding the fact that such applicant had been admitted to practice before the Supreme Court of Pennsylvania; but unfortunately the Bill is unlimited in its scope, and might be construed to authorize the Board of Examiners in any judicial district to refuse admission to an applicant for other reasons.

"For this reason the Bill is not approved.

"JOHN K. TENER."

The reasons given by the Executive for his disapproval of the Act are not considered by your Committee as convincing or conclusive. We are of the opinion that in as far as possible the admission to practice in the local Courts should be under the control and subject to the rules of the same. It may be that the necessity for legislation on this subject is not urgent and important, but we recommend that the Association approve the re-enactment of this legislation.

All the other legislation approved by the Association and the enactment of which was urged by your Committee, failed of enactment, partly because of inattention and lack

of interest on the part of the members of the General Assembly and partially from hostility to the proposed reforms. For reasons cogently stated in the report of your Committee at the session of 1913, and found on pages 56 and 57 of the official printed report, we recommend the passage of the following Act, and, inasmuch as it has already received the approval of this Association, we shall urge its enactment by the General Assembly at the session of 1915, unless otherwise directed:

"AN ACT

PROVIDING THAT NO JUDGMENT SHALL BE SET ASIDE OR REVERSED OR NEW TRIAL GRANTED, UNLESS THE ERROR COMPLAINED OF HAS INJURIOUSLY AFFECTED THE SUBSTANTIAL RIGHTS OF THE PARTIES.

"SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same: That no judgment shall be set aside or reversed or new trial granted by any Court of this State, in any case, civil or criminal, on the ground of misdirection of the jury, or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless in the opinion of the Court to which application is made, after an examination of the entire cause, it shall appear that the error complained of has injuriously affected the substantial rights of the parties."

In the matter of uniform rules of practice to be prescribed by the Supreme Court for approval by the subordinate Courts, we are of the opinion that the agitation of this subject has resulted in salutary revision by many of Courts of their respective rules of practice and procedure; that this action will have an influence in the Courts generally of the Commonwealth, and that the subject at this time does not call for any such new legislation as could be recommended with any assurance that it would be enacted.

We renew the recommendations made in our report of 1912-13, that, in accordance with suggestions to that effect originating with the Honorable John Marshall Gest, of the Orphans' Court of Philadelphia, the law of dece-

dent's estates in Pennsylvania should be codified and revised. Unless otherwise directed, we shall not only memorialize the General Assembly of 1915 to provide for the appointment and expenses of a commission of three persons, learned in the law, to codify and revise this branch of the law of Pennsylvania, but we shall draft and endeavor in every legitimate way to promote the passage of a statute to that effect.

A number of new statutes relating more or less directly to the subject of law reform have been presented to our Committee and have been fully considered. One to regulate the manner of taking exceptions and the allowance of the same by the Trial Judge, we are unanimously of the opinion is unnecessary; and that the subject be safely left to the varying practice in the different Courts of the Commonwealth, no material complaint being made that Trial Judges abuse their discretion in this matter.

Another relating to the different standards of damages to be recovered by the vendor or the vendee in action brought for the breach of a contract for the sale of real estate, is deserving of consideration; and we suggest that some member of the Association be selected to present, at the next meeting, a well considered paper setting forth the existing disparity and the best means of remedying the same, and that provision be made for a proper consideration of the subject by the Association.

The following statute recommended to your Committee meets with its approval, and is hereby reported to the Association with a favorable recommendation:

"AN ACT

RELATING TO THE REVIVAL OF THE LIEN OF A JUDGMENT AND PROVIDING THAT POSSESSION BY A TERRE TENANT OF THE LAND BOUND BY THE LIEN OF A JUDGMENT, WHOSE DEED IS NOT ON RECORD, SHALL NOT MAKE NECESSARY NOTICE TO SUCH TERRE TENANT.

"SECTION 1. Be it enacted, etc., That hereafter in reviving the lien of a judgment, the period of five years during which

the lien of said judgment shall continue and commence to run in favor of a *terre tenant* from the time the deed of such *terre tenant* is placed on record, and not otherwise, and possession of the land by a *terre tenant* whose deed has not been placed on record shall not make notice to such *terre tenant*, by a *scire facias* or otherwise, necessary for the purpose of binding the interest of such *terre tenant* in the land.

"SECTION 2. All Acts or parts of Acts inconsistent herewith be and the same are hereby repealed."

An act presented for our consideration making the granting of a new trial the subject of error and appeal, is believed by your Committee to involve disadvantages overbalancing what is urged in its favor, and is, therefore, not recommended.

Legislation relating to practice in the Courts of Common Pleas and the radical revision of procedure, by introducing features akin to those which have been in vogue in England, has received the earnest consideration of your Committee. Its members generally are agreed that some such reforms should be introduced; and better methods of beginning suits, defining issues more strictly, simplifying pleas and expediting trials, should be established either by rules of Court or by legislation. The report made to the Association in 1912, embodying what was known as the "Ralston" Act, and the reference to the same in your Committee's report of 1913, are re-called to the attention of the members. Since those reports were made, in numerous judicial districts this subject has been met by new and revised rules of Court. It is possible this method of dealing with it will be more effective, direct and satisfactory, than by legislation. The general subject of whether or not suits should be begun by writ or summons, or by the filing of a statement; whether the pleadings should be restricted to matters contained in the statement and to the affidavit of defense, whether return days should be abolished, whether affidavits of defense should be required in actions of trespass, and many other proposed features of the new system or

reforms on existing methods, are all subjects that, in the opinion of your Committee, should have full discussion in the deliberations of this Association. Some concrete and definite action ought to be promptly taken so as to inform the Legislature and the general public of the thought of the members of the Bench and Bar of Pennsylvania on this pressing topic. To this end Judge Ralston has been requested to revise the tentative Act submitted by him in 1912, and such revision will be printed and presented to the members of the Association who participate in the meeting of 1914.

It is believed inexpedient to make any further recommendations within the scope of the subject to which our duties and responsibilities are restricted.

Respectfully submitted,

W. U. HENSEL,
Chairman.

APPENDIX

PRACTICE ACTS

Two drafts of Acts relating to practice are submitted for the consideration of the Association. In Draft A a radical change is provided for the method of bringing actions. Writs of summons are abolished and the action is begun by filing and serving a statement of claim, as is done with bills in equity. This will enable the defendant to know the nature of the plaintiff's demand as soon as the suit is brought. Draft B makes no change in the method of beginning actions.

In Draft A an affidavit of defence is required in both actions of assumpsit and in trespass.

In Draft B three sections on this subject are inserted, any one of which would, of course, be exclusive of the others. One is that a defendant shall be required to demur, or file a plea of not guilty within fifteen days; the other is

that, as he has no choice of any alternative but to demur or plead not guilty, the entry of the plea could be dispensed with and the case considered at issue as soon as the time for filing the demurrer had expired. The other section provides that in trespass cases, the defendant shall make an answer, but not under oath, in which he shall admit or deny the allegations of the statement and set out his defence.

Both drafts contain clauses intended to make the pleadings more simple. Often a plaintiff's statement is anything but concise, and contains statements of fact, conclusions of law, and a lot of useless verbiage and technicalities. The sections of the suggested acts are intended to make the parties state in their pleadings facts only, leaving the Court to determine the conclusions to be drawn from the facts as stated. The provisions in this regard are practically the same in both drafts, except that Draft A repeats the provisions of the Act of 1887, that copies of notes, contracts and other documents shall be attached to the statement; while Draft B provides that the effect of documents shall be stated, leaving it to the defendant to state his own version of the document or to set it out *verbatim* in his defence with an allegation that this is the contract referred to in the statement of claim.

Both drafts also provide that where a defendant makes a counter-claim, the plaintiff shall file an affidavit of defence thereto, and that the Court may enter judgment in favor of either party; also that the parties shall be restricted at the trial to the defence set up in the affidavit of defence or plaintiff's reply.

Both drafts also provide that allegations which are not specifically denied shall be regarded as admitted.

Draft A abolishes demurrers and provides that defences of law can be raised in the affidavit of defence. In Draft B demurrers are retained.

To enable the Committee to frame an Act in accordance with the opinion of the Association, the following questions should be decided:

1. Shall writs of summons in *assumpsit* and trespass be abolished and the actions be begun by filing statements of claim?

2. Shall affidavits of defence or any other answer than a plea of not guilty be required in an action of trespass?

3. Shall copies of documents be attached to the statement, or shall their effect be stated?

4. Shall the plaintiff be required to file an affidavit of defence to the defendants counter-claim?

DRAFT A

ACT RELATING TO PRACTICE IN THE COURTS OF COMMON PLEAS

SECTION 1. Be it enacted, etc., That from and after June 1, 19—, all actions in *assumpsit*, debt, covenant, trespass, trover and trespass on the case, which were, by the Act of May 5, 1887, P. L. 271, consolidated into actions of *assumpsit* and actions of trespass, which are now begun by writs of summons, under the provisions of the Act of June 13, 1836, Section 1, P. L. 572, shall be begun and proceeded with as is herein provided, and writs of summons in such cases are abolished.

SECTION 2. The provisions of this Act shall apply only to the actions mentioned in the first section hereof.

THE PLEADINGS GENERALLY

SECTION 3. The pleadings shall consist of the plaintiff's statement of claim, the defendant's affidavit of defence, and where a set-off or counter-claim is pleaded, the plaintiff's reply thereto. When the pleadings are closed, the case shall be deemed to be at issue, and no replication or formal joinder of issue shall be required.

SECTION 4. Pleas and demurrers are abolished.

SECTION 5. Every pleading shall contain, and contain only, a statement in a concise and summary form of the material facts on which the party pleading relies for his claim or defence, as the case may be, but not the evidence by which they are to be proved, or inferences or conclusions of law.

SECTION 6. Every allegation of fact in any pleading, if not denied specifically or by necessary implication in the pleading of the opposite party, shall be taken to be admitted, except as against an infant, lunatic, or person of unsound mind not so found by inquisition, or one sued in a representative capacity as provided in Section 7 hereof.

SECTION 7. When the affidavit of defence or plaintiff's reply is made by an executor, administrator, guardian, committee or other person sued in a representative capacity, he need only state the facts he admits to be true, and that he believes there is a just and legal defence to the remainder, and the facts upon which he bases his belief.

SECTION 8. It shall not be sufficient for a defendant, in his affidavit of defence, to deny generally the grounds alleged by the statement of claim, or for a plaintiff, in his reply, to deny generally the grounds alleged in a defence by way of counter-claim; but each party shall answer specifically each allegation of fact of which he does not admit the truth, except damages.

SECTION 9. No pleading shall, except by way of amendment, raise any new ground of claim or contain any allegation of facts inconsistent with the previous pleadings of the party pleading the same.

COMMENCEMENT OF ACTIONS

SECTION 10. Actions which are now begun by writs of summons shall be begun by the plaintiff filing in the office of the Prothonotary a statement of his demand entitled "Statement of Claim." A copy of the statement shall be served upon each defendant in the same manner as is now provided by the Act of July 9, 1901, P. L. 614, for the service of writs of summons.

STATEMENT OF CLAIM

SECTION 11. The statement of claim shall be as brief as the nature of the case will admit, and shall be drawn in accordance with the provisions of this Act. It shall have attached to it copies of all notes, contracts, book entries, or a particular reference to the records of any Court within which the action is brought, if any, upon which the plaintiff's claim is founded; and a particular reference to such record, or to the record of any deed or mortgage, or other instrument of writing recorded in said county, shall be sufficient in lieu of a copy thereof. It shall be signed and sworn to by the plaintiff or some person having knowledge of the facts, and if there be an attorney, shall be signed by his attorney.

SECTION 12. The statement of claim shall be indorsed as follows:

"To (here the name of the defendant upon whom service is to be made must be inserted):

"You are hereby notified that you are required to cause an appearance to be entered for you in the Prothonotary's office of the above-named Court, and to file an affidavit of defence to the within statement within fifteen days from the service hereof, the day of service to count as the first day. If you fail to file an affidavit of defence within fifteen days, judgment will be entered against you."

This notice shall be followed by the name of the plaintiff's attorney, or by his own name if he sues in person, and the address where all papers may be served.

AFFIDAVIT OF DEFENCE

SECTION 13. The defendant shall file an affidavit of defence to the statement of claim within fifteen days from the day when the statement was served upon him, the day of service to count as the first day. The affidavit shall be sworn to by the defendant or some person having knowledge of the facts. It shall be served upon the plaintiff or his attorney at the address for the service of papers indorsed on the statement of claim, and shall be indorsed with the name of the defendant's attorney or of the defendant if he defends in person, and the address where all papers are to be served.

SECTION 14. The affidavit of defence shall be as brief as the nature of the case will admit, and shall be drawn in accordance with the provisions of this Act.

SECTION 15. No denial or defence shall be necessary as to damages claimed or their amount; but they shall be deemed to be put in issue in all cases unless expressly admitted.

SET-OFF AND COUNTER-CLAIM

SECTION 16. A defendant in an action may set off or set up by way of counter-claim against the claim of the plaintiff, any right or claim for which an action of *assumpsit* would lie, and such set-off or counter-claim shall have the same effect as a cross-action. If, in any case in which the defendant sets up a counter-claim, the action of the plaintiff is stayed, discontinued or dismissed, the counter-claim may, nevertheless, be proceeded with.

PLAINTIFF'S REPLY

SECTION 17. When the defendant, in his affidavit of defence, sets up a set-off or counter-claim against the plaintiff, the plaintiff shall, within fifteen days from the day of service of the affidavit of defence upon him, the day of service to count as the first day, file an answer under oath which shall be called "Plaintiff's Reply." The set-off or counter-claim shall be regarded as the defendant's statement of claim, and the plaintiff's reply as an affidavit of defence thereto, and both shall be drawn in accordance with the provisions of this Act.

SECTION 18. Neither party shall be permitted at the trial to make any defence except that set forth in the affidavit of defence, or plaintiff's reply, as the case may be.

MOTIONS FOR JUDGMENT

SECTION 19. The plaintiff may move for judgment for want of an affidavit of defence or for want of a sufficient affidavit of defence to the whole or any part of his claim. When the defendant sets up a set-off or counter-claim, he may move for judgment against the plaintiff for want of a reply or for want of a sufficient reply to the whole or any part of the set-off or counter-claim, and the Court may enter judgment in favor of the plaintiff or the defendant for such amount as shall be found due, with leave to proceed for the balance.

PROCEEDINGS IN LIEU OF DEMURRER

SECTION 20. The defendant, in his affidavit of defence, or a plaintiff, in his reply to a counter-claim, may raise any point of law, and any point so raised may be set down for hearing and disposed of at any time before the trial. If, in the opinion of the Court, the decision of such point of law substantially disposes of the whole action or of any distinct cause of action, ground of defence, set-off, counter-claim or reply thereto, the Court may thereupon dismiss the action or make such other order therein as may be just.

SECTION 21. The Courts of Common Pleas shall make such rules as they deem advisable for the proper enforcement of this Act, and prescribe penalties for a failure to observe the provisions hereof.

SECTION 22. Repealing clause.

DRAFT B**ACT RELATING TO PRACTICE IN THE COURTS OF
COMMON PLEAS**

SECTION 1. Be it enacted, etc., That from and after June 1, 19—, in all actions of *assumpsit*, debt covenant, trespass, trover, and trespass on the case which, by the Act of May 25, 1887, P. L. 271, were consolidated into actions of *assumpsit* and actions of trespass, the procedure shall be as herein provided. The provisions of this Act shall apply only to these actions.

SECTION 2. In every action the plaintiff shall file a statement of claim, which shall be sworn to by him, or by some person having knowledge of the facts, and if there be counsel, shall be signed by counsel.

SECTION 3. In actions of *assumpsit* the defendant shall demur or file an affidavit of defence within fifteen days after the statement is served upon him; otherwise judgment may be entered against him. In these actions pleas are abolished.

SECTION 4. In actions of trespass the defendant shall demur or file a plea of "not guilty" within fifteen days after the statement is served upon him; otherwise judgment may be entered against him.

OR

SECTION 4. *In actions of trespass, if the defendant does not demur to the statement within fifteen days after it is served upon him, the case shall be deemed to be at issue and may be ordered on the trial list.*

OR

SECTION 4. *In actions of trespass the defendant shall within fifteen days after the statement is served upon him, demur or file an answer, not under oath, admitting or denying the averments of the statement and setting forth his defence thereto.*

SECTION 5. The statement of claim shall contain, and contain only, a statement in a concise and summary form of the material facts upon which the plaintiff relies for his claim, but not the evidence by which they are to be proved, or inferences or conclusions of law. In actions on contracts the plaintiff shall state whether the contract was oral, written or implied. When the

contents of any document are material, it shall be sufficient to state the effect thereof as briefly as possible without setting out the whole or any part thereof, unless the precise words of the document or any part thereof are material.

SECTION 6. The affidavit of defence shall be drawn in the manner prescribed for statements in Section 5. The defendant shall answer specifically each material averment of the statement.

SECTION 7. In an action of *assumpsit* a defendant may set off or set up by way of counter-claim against the claim of the plaintiff any right or claim for which an action of *assumpsit* would lie, and such set-off or counter-claim may be proceeded with, notwithstanding the action of the plaintiff is stayed, discontinued or dismissed.

SECTION 8. When the defendant sets up a counter-claim or set-off, the plaintiff within fifteen days from the day of the service of the affidavit of defence, shall file an answer thereto, under oath, which shall be called "Plaintiff's Reply."

SECTION 9. Every allegation of fact in the statement, set-off or counter-claim, if not denied specifically or by necessary implication, in the affidavit of defence or plaintiff's reply, as the case may be, shall be taken to be admitted, not only upon a motion for judgment for want of a sufficient affidavit of defence or reply, but also upon the trial; except as against an infant, lunatic or person of unsound mind not so found by inquisition, or one sued in a representative capacity, as provided in Section 10 hereof.

SECTION 10. When the affidavit of defence or plaintiff's reply is made by an executor, administrator, guardian, committee or other person sued in a representative capacity, he need only state the facts he admits to be true, and that he believes there is a just and legal defence to the remainder, and the facts upon which he bases his belief.

SECTION 11. The plaintiff may move for judgment for want of an affidavit of defence or for want of a sufficient affidavit of defence to the whole or any part of his claim. When a defendant sets up a counter-claim or set-off, he may move for judgment against the plaintiff for want of a reply or for want of a sufficient reply to the whole or any part of the counter-claim or set-off, and the Court may enter judgment in favor of the plaintiff or defendant, as justice may require.

SECTION 12. In an action of *assumpsit* neither party shall be permitted at the trial to make any defence except that set forth in the affidavit of defence, or plaintiff's reply, as the case may be.

SECTION 13. The Courts of Common Pleas shall make rules for the proper enforcement of this Act, and prescribe penalties for a failure to comply with the provisions hereof.

SECTION 14. Repealing clause.

FRANK R. SHATTUCK, Philadelphia: I move that the Report of the Committee on Law Reform be received and taken up for consideration in its regular order.

Duly seconded, and agreed to.

THE PRESIDENT: The next report is the Report of the Committee on Legal Education. Is the Chairman of that Committee ready to report? In Professor Bohlen's absence is there any communication from him?

THE SECRETARY: I present the report in print, which has been submitted by the Chairman of the Committee, Professor Francis H. Bohlen.

REPORT OF COMMITTEE ON LEGAL EDUCATION

To the President and Members of the Pennsylvania Bar Association:

GENTLEMEN: The problem of legal education is one which must always be of great interest to members of the Bar, concerning as it does the training of those who must in the future take their place.

Your Committee is not prepared to ask the Association to make any definite recommendations either to the State Board of Law Examiners or to the Legislature. There are, however, certain things which it feels it may properly call to the attention of the Association.

There are three requisites necessary for a complete equipment for the practice and administration of the law, for admission to the Bar concerns not only the practice of

the law as counsel, but its administration by the Courts, who are drawn from the body of the practicing profession. These prerequisites are: (1) A thorough training in the ethics of the profession; (2) a thorough equipment in the technique of the law; and (3) an adequate perception of the function and aim of the law in its relation to the conduct of human affairs.

For years the profession has been fully aware of the importance of the second of these. The examinations given by the State Board of Law Examiners insure that the candidate admitted to the Bar shall possess a reasonable knowledge of legal theory and the high standard originally set by the Board has been scrupulously maintained and in fact raised in recent years. The law schools of the State have from time to time raised the standard of their requirement both for admission and graduation, and only recently the Law School of the University of Pennsylvania has taken a long step in advance by requiring a college degree as a prerequisite for admission to their school after 1914.

There is, however, a growing feeling that it is impossible that the student in the course of three years' study, whether in a law school or an office, can obtain a reasonable proficiency in both the theory and the practice of the law. If his training is in an office he may acquire, if the office is one of the few which allow the student to participate in its practical operations, a fair working knowledge of practice; but in view of the growing complexity of the law and the constant multiplication of decisions and precedents, it seems highly improbable that any but a small minority of such students can find time to also master the theory of the law or to obtain that broad view of the whole subject of jurisprudence necessary to make them accomplished lawyers. Such training may turn out competent legal craftsmen, immediately capable of the routine work of the profession, but before a student so trained can be-

come an accomplished lawyer he must, unless exceptionally brilliant and diligent, devote in the intervals of his practice an immense amount of study to the acquisition of matters of theory which he has been forced to neglect during his preparatory work.

On the other hand, while the law schools of the State are increasingly endeavoring to give a sound grounding in the theory of practice, it may be doubted whether any training purely academic can give to the successful candidate that practical knowledge of the subject necessary to make him an efficient practitioner and a safe adviser to his clients. It is, therefore, worthy of the consideration of the Association whether it shall not seriously consider the advisability of requiring a four years' course of preparation for admission to practice at the Bar at some time in the not distant future. While many persons still regard the three years which must now elapse between the completion of the applicant's preliminary education and his admission to the practice of the law as, if anything, too long, it is well to point out that upon the continent of Europe the professional training of a lawyer to-day requires on an average of from six to seven years. And it may not be amiss to suggest that we are undervaluing the difficulties of our science and, in our consideration for the interests of the individual candidate, are perhaps losing sight of the interests of the Bar and the community which it serves, which manifestly require that only persons of the most perfect training should be admitted to the exercise of a function so important as that administered by the Bench and Bar.

While your Committee is not prepared to advise the Association to recommend at once that the course of study for admission to the Bar should be extended to four years, it would suggest that the members of the Association should give this question their earnest consideration. It may be that it would be wise to require that, after three years de-

voted to the systematic study of substantive law, the student who had satisfactorily passed his examination therein should be required to serve, as in many States the medical graduate is required to serve, a year in the legal equivalent of hospital service, the office of some practicing attorney.

The question of the ethical training of the student has been much complicated by the practical disappearance in our larger cities of those offices, which used to devote a large part of their attention to the preparation of students for admission to the Bar. Some twenty to twenty-five years ago there were many such offices, of which the heads were leaders of the Bar, gentlemen not only of great learning and varied legal experience, but possessing the highest reverence for their profession as such and the most intimate knowledge of the ethical principles governing its practice, and keenly interested in passing on to the young men with whom they came into contact the best traditions of the Bar. Whatever might be said as to the quality of legal instructions therein obtained, no one who was himself a student in such an office can fail to recognize the immense value of this ethical training and example. Unfortunately, through the increase of legal business and the more complete business organization of law offices, the offices furnishing such facilities have practically disappeared in many parts of the State. Even were their advantages of ethical training sufficient to offset their very patent disadvantages of legal education, it is impossible to re-create them under modern conditions and an increasingly large number of candidates for the Bar must be educated in law schools or in offices in which they are merely registered as students and come into no intimate contact with their preceptors.

The problem, therefore, is to devise some substitute by which dignity of the profession, and the importance of a high standard of conduct on the part of those prac-

ting it, can be brought home to the student. It may be said that those members of your Committee who have devoted some part of their professional life to teaching in law schools do not feel that the deterioration in the ethical tone of the Bar, if there be such a deterioration, is due entirely or in any large part to the lack of ethical training in such schools. All of them have had experience of distressing cases where students, who have left their institutions with a reasonably high sense of what is meet and proper in a practicing lawyer, have succumbed to the temptation to indulge in sharp practice thrust upon them by the competition for business in an overcrowded profession.

It is, however, suggested that a serious effort should be made, both in law offices in which students are prepared for the Bar and in law schools, to give some form of systematic instruction in legal ethics, preferably in the form of a regular course, in which ethical problems will be presented and discussed by the preceptor or by some member of the Bar of high standing, whether a member of the faculty or not, whose position and character will command the respect not only of the student himself, but of the Bar. Mere general lectures, while of some value, fail, it is believed, to reach those students who have not already a highly developed ethical sense. They are taken to be mere theory, but the discussion of practical problems affords an opportunity to the instructor to impress his views upon the student in a definite and effective way.

The last requirement, that the student should acquire an adequate perception of the function and aim of the law in its relation to the conduct of human affairs, is one that may appear to the average practicing attorney unnecessary, or a thing which should be acquired in after years. There is, however, a growing tendency on the part of the public to criticise the administration of justice, and while much of the criticism appears not only to the profession, but to

the average intelligent man, to be prejudiced and unfounded, the fact remains that justice is now being done as never before under the fierce light of public interest, scrutiny and criticism. The conception of the law as a thing perfect so long as it remains symmetrical, so long as its deductions follow logically from premises conceived of as possessing a sort of traditional sanctity, is being subjected to two destructive forces. On the one hand, modern legal philosophers, particularly in Germany, are analyzing the object and purpose of law, on the other hand, the public are aroused to their interest in the administration of justice and are keenly alive to perceive and criticise any application of the law which, no matter how logical a deduction from existing legal principles, offends their sense of what is meet and proper. Many of the more important modern problems with which the Courts have to concern themselves are treated by the Courts themselves as economic and social rather than as purely legal problems. It is impossible to regard the law as a thing existing apart from other branches of human thought. It would seem, therefore, that the student of law should be equipped not merely with the mastery of the technique of his profession, but should be urged to study those fields of social science in which are set forth the effort of humanity to develop a system of life and thought, appropriate to further its best development.

Respectfully submitted by

FRANCIS H. BOHLEN,
Chairman.

JOHN C. SWARTLEY,
Secretary.

The report was received and filed.

THE PRESIDENT: The next report is that of the Committee on Legal Biography, Mr. Richards, of Berks.

LOUIS RICHARDS, *Chairman*, Berks: The Report of the Committee on Legal Biography has been printed and is here for distribution to the members. The only recommendations in the report are these: that auditors may be appointed to audit our accounts; that an appropriation of a sum not exceeding \$700 for the coming year be made for the purposes of the Committee, and we also recommend that the thanks of the Pennsylvania Bar Association be extended to the Provost and Trustees of the University of Pennsylvania and to the Dean of the Law Department for the courtesy extended the Committee on Legal Biography in giving the use of a room for its historical collection.

REPORT OF THE COMMITTEE ON LEGAL BIOGRAPHY

To the President and Members of the Pennsylvania Bar Association:

GENTLEMEN: Your Committee, in presenting its Twentieth Annual Report, has to record not only one of the largest lists (80) of deceased members in any year of its existence, but one containing the names of an unusual number of the most prominent members of the Association, including many distinguished lawyers and Judges of the State.

Among the names of our own members appear those of three of our Ex-Presidents—Lyman D. Gilbert, Robert Snodgrass and Nathaniel Ewing—men of high professional attainments and reputation, the two latter of whom seldom missed a meeting of this Association. In the extended fields of public service Mr. Olmstead of Harrisburg and Mr. Baer of Reading attained special distinction apart from their profession—the former by his long service in Congress, and the latter by a notably successful career as railway president and financier.

THE JUDICIARY

The losses by death among the judiciary are equally marked. Of the eleven Judges who died during the past year all but one had seen extended service upon the Bench, and had brought to that station the experience of previous long and active professional connection with the Bar.

DONATIONS

No special appeal was made during the year to secure contributions of a historical nature beyond the two circular notices mailed to each of the 56 members of the Committee. We have received, however, from Mr. Francis Rawle a fine group photograph of Attorney General McReynolds, Sir Kenneth Mackenzie, and Viscount Haldane of Cloan, Lord High Chancellor of Great Britain.

REPAIRS TO ROOM

Under the direction of the Executive Committee the floor of the room in the Law School Building of the University in which our collections are contained, has been covered with a good quality of linoleum at an expense of \$105.52, which the Executive Committee directed the Treasurer to pay. The room now presents a neat and attractive appearance, and the collection comprises many highly interesting portraits and photographs of prominent lawyers and Judges throughout the State, past and present, and views of court houses and other county buildings. The room is quite crowded with these exhibits, but through re-arrangement space can be acquired for a considerable additional number.

During the school year of the Law School the Committee employed Mr. Frank R. Hean, a second year law student of the University of Pennsylvania, to take charge of the room and keep it open to visitors.

APPROPRIATION AND EXPENSES

The appropriation for the year was fixed at a sum not to exceed \$700.

Commencing the year with a balance of.....	\$32.66
together with interest on bank account of.....	1.16
and the receipt from the Treasurer of.....	600.00
<hr/>	
The total receipts amounted to.....	\$633.82
Expenditures of	572.42
<hr/>	
Balance on hand.....	\$61.40

Your Committee asks for an appropriation for the coming year of a sum not exceeding \$700.

Your Committee requests that auditors may be appointed to audit their account.

The members of the Committee have responded with promptness during the year from their respective judicial districts. Its members are again reminded of the importance of reporting the decease of any member of the Bar of their judicial district, irrespective of membership in the Association. It is the desire of the Association to make its reports as nearly as possible the one accurate necrological record of the Bar in the State. Date of *birth*, *death* and *admission to the Bar* are specially important, together with notice of any professional or public service rendered.

For many years the Law Department of the University of Pennsylvania has kindly furnished the Association with a large room, well lighted and heated, free of charge, in the Law School Building, for our historical collection, and your Committee recommends the following acknowledgment of their generosity:

Resolved, That the thanks of the Pennsylvania Bar Association are hereby extended to the Provost and Trustees of the University of Pennsylvania, and to the Dean of

the Law Department, for the courtesy extended the Committee on Legal Biography in giving the use of a room for its historical collection.

Respectfully submitted,

LOUIS RICHARDS,
Chairman.

T. ELLIOTT PATTERSON,
Secretary.

BIOGRAPHY OF DECEASED MEMBERS

ARRANGED IN ALPHABETICAL ORDER, WITH JUDICIAL
DISTRICT AND COUNTY IN PARENTHESES

Archer, Pierce (1st J. D., Philadelphia), born September 25, 1838; died December 1, 1913. Admitted to the Bar June 14, 1859.

Mr. Archer was one of the ablest trial lawyers at the Philadelphia Bar and had a large practice during his active years in the profession. He was law-partner for a number of years of the late Lewis C. Cassidy, in whose offices a number of young men pursued their studies who in later years became prominent in public life, among them, the late Governor Pattison, and William F. Harrity.

In speaking of Mr. Archer's ability in the trial of causes, a prominent member of the Bar said, "it was a treat to see him try a case; that he did it beautifully."

He was offered a place on the Common Pleas Bench by Governor Pattison on several occasions and was placed in nomination for the Orphans' Court.

He was a prominent member of the Catholic Church and represented many of its charitable and educational institutions, but invariably refused any fee for his services. Mr. Archer was a man of fine presence, and though firm and positive, was a man of kind heart and generous disposition. He will be remembered with great respect

by his friends and acquaintances as one of the striking figures of the older Bar. He was a member of the Association.

Ash, Isaac (28th J. D., Venango), born December 21, 1833; died May 9, 1914.

He was born in Butler County of Scotch-Irish parentage and educated in the common schools and at Butler Academy. He was admitted to the Bar of Butler County in 1858, and removed to Oil City, Venango County in 1864, where he continued to practice his profession until his death. He was actively interested in much of the important litigation arising in that vicinity on account of the development of the oil business. He was the first City Solicitor for Oil City and represented the City in that capacity for twelve years. He was President of the Lawyers' Club of Oil City from its organization until his death. He was of a genial and companionable disposition.

He was a member of the Pennsylvania Bar Association and was for two years one of its Vice-Presidents.

Ashley, Charles William (5th J. D., Allegheny), born in 1866, in Washington, D. C.; died November 13, 1913. Admitted to the Bar September 16, 1893.

After graduating from Dickinson College in 1888, he attended the National University in his native city. From the time of his admission to the Bar, he was highly esteemed by his associates, and also in the place where he established his residence (Homestead).

Baer, George F. (23d J. D., Berks), born September 26, 1842; died April 26, 1914. Admitted to the Bar of Berks, January 22, 1868.

Mr. Baer came to the Berks County Bar after four years of practice at the Bar of his native County of

Somerset. As a very young man he had already distinguished himself as a soldier in the volunteer service of the U. S., a newspaper editor and a man of business. These several occupations coming at a period of his life which would ordinarily be devoted to perfecting an education, enabled him to acquire only an academical course, supplemented by about six months as sophomore at Franklin and Marshall College. His studiousness and perseverance in self culture supplied to a considerable extent the lack of the more advanced training denied him by circumstances.

He came to the Bar of Berks County prepared by his previous experience in the profession at once to take up the routine of active practice. The people were not slow in recognizing the advent of an unusually well equipped and talented lawyer. The legal ability, resourcefulness, and forensic talent which he displayed in the trial of his cases in Court attracted public attention. Both as counsellor and advocate he came to be regarded as occupying first place in the ranks of the profession. It may be said without challenge that no lawyer who ever practiced at the Bar of the County surpassed him in what might be termed generalship at trial, self confidence based upon thoroughness of preparation, and power of appeal to both Court and jury. In the Courts of Review he ranked among the foremost lights at the Bar of the State. Many students of the law graduated from his office, among whom were a number who stand high in professional or judicial service.

Had Mr. Baer remained in the practice of the law there can be no doubt that he would have attained a national reputation in the legal forum. His retention by large corporate interests, and particularly by the Philadelphia & Reading Railroad Company, with which he became connected successively as counsel, director and president, led him into the business field, in which he figured with marked

prominence and success. He was a rare example of a gifted lawyer who at the same time combined equally high qualifications for practical business direction and control.

Baker, Jesse, M. (32 J. D., Delaware), born in 1854; died August 9, 1913.

He was at one time District Attorney of Delaware County and served the county six years in that office.

He served two terms in the lower house of the State Legislature and one term in the Senate. He served in the Spanish-American War. He was made commissary officer, with rank of captain, on board the transport *Grant* carrying supplies to the Philippine forces, and from the transport was placed in charge of a small force on the Island of Iloilo where he was advanced to the rank of major of his regiment. He retired from the army a few years ago and returned to his home in Media.

Baldwin, Joseph H. (15th J. D., Chester County), born in 1862; died September 1, 1913.

Mr. Baldwin was a graduate of West Chester Normal School, and later one of the trustees of that institution. He at one time held the office of District Attorney of the County.

Beaver, James A. (49th J. D., Centre), born October 21, 1837; died January 31, 1914.

He graduated from Jefferson College in 1856, and was admitted to the Bar in 1858.

On the outbreak of the Civil War he entered the army and won distinction in military service. After the war he resumed his law practice, and in later years achieved as great success in civil life as he had in military. He was elected Governor of the State in the fall of 1886 and served from January 1, 1887 to January 1, 1891. When the Superior Court was created, he was appointed

one of its Judges and remained on the Bench until his death. He was active as a churchman, and in 1888 and in 1905 was Vice-moderator of the Presbyterian General Assembly.

He was a member of the Association from its organization and a member at the time of his death of this Committee. He took great interest in securing biographical sketches of the Bar of his district, and prepared and sent in a number relating to older members of the Bar. (For a fuller account, see the *Legal Intelligencer* for July, 1914.)

Binney, Charles C. (1st J. D., Philadelphia), born October 20, 1855; died July 10, 1913. Graduated from Harvard in the class of 1878. He studied law in the office of William Henry Rawle, and in the law department of the University of Pennsylvania. Admitted to the Bar in 1881.

Mr. Binney was a lawyer of high ideals and marked public spirit.

In 1893 he was made assistant attorney of the United States Department of Justice, and special attorney in the same department in 1897.

He was a grandson of Horace Binney, one of the most distinguished leaders of the early Bar of Philadelphia.

Bland, H. Willis (23d J. D., Berks), born August 20, 1845; died November 15, 1913. Admitted to the Bar April 12, 1869.

Judge Bland was a native of the County, and owed his success in life entirely to his own exertions. Acquiring a merely elementary education in public schools, at the age of sixteen he enlisted as a private in Company H. 82d Pennsylvania Volunteers, became a non-commissioned officer and participated in numerous important engagements. At the expiration of his three years term of service he was mustered out in September 1864. He was

clerk in the office of the Phoenix Iron Company at Phoenixville, and subsequently learned the trade of a machinist, but being physically unequal to severe physical labor, chose the law profession. He came to Reading in February 1867, and after the necessary two years' course was admitted to the Bar. Studious, energetic and ambitious he acquired a substantial practice in both the criminal and civil courts. He was Judge of the Orphans' Court of Berks County at the time of his death. He was appointed to that office by Governor Pattison on September 16, 1891, to fill the vacancy caused by the death of Hon. Hiram H. Schwartz. In 1892 he was elected to a full term of ten years, and at its expiration was elected to another full term of ten years, which last term expired in January 1913, when he was appointed under the Constitutional amendment, to the extended term to January 1916, by Governor Tener. He thus had the unique experience of having been twice elected and serving out two full ten year terms, and twice appointed by the Governor of the State.

A full history of his interesting and honorable judicial and professional career appeared at his death in the local papers of his County. The following tribute of appreciation was paid to his judicial attainments and success, as well as to his industrious and methodical habits of continued intellectual improvement down to the end of his life, by Judge Endlich:

"When I came to the Bar, Judge Bland was in active practice, already a prominent figure in the Courts, a learned lawyer and a powerful and successful advocate. The appointment to the presidency of the Orphans' Court, upon the death of Judge Schwartz, was received as a fitting recognition of his deserts. His administration of that responsible office earned him the approval of the Bar and the people of this judicial district and the admiration of those throughout the Commonwealth conversant with its merits. It is but fair to him to say that he made the Orphans'

Court of his County what it is, and that it is under him and due to him that in point of efficiency and general standing, it ranks second to none in Pennsylvania. The amount of judicial work accomplished by him has been immense. His decisions carefully prepared and promptly rendered have largely been acquiesced in as unimpeachable, and when questioned by appeal rarely found to be erroneous. His difficulties—and we all have such—arose from a temperament quick to be impressed with the appearance of wrong and quick to resent it. At all times bold and outspoken in his comments upon men and their actions, his language in private conversation, in public utterance and in judicial opinions was unreserved, forceful and often picturesque. He had cultivated his style by much and intense reading and frequent memorization. He was indeed a self-taught, self-educated man. In his efforts at self-improvement he never retarded. Surely no busy man ever before more perseveringly and systematically or perhaps more successfully tried to fill the gaps of his early training. He made it his business every day as a matter of mental gymnastics as well as of storing his mind, to read and digest a certain number of pages in works of history or philosophy or jurisprudence, or dealing with abstract legal topics, works which he re-read over again, but which most of us lay aside after the first painful perusal or are familiar with but by their titles or the names of their authors, to be resorted to only when special occasion requires, for purposes of reference.

“This attentive reading was not confined to law books. It embraced a much wider field of literature, especially oratory and poetry, and furnished him with that wealth of thought and expression which, added to his native power and the originality of his mind, made his speech so ready and effective. His industry was untiring, his energy indomitable. Down to within a few days of his death, although he must have been suffering, he attended to the work of his Court. None knew of his peril, perhaps he himself did not

know of it. When at last he was compelled to give up, the end was at hand. The circumstances surrounding it challenge sympathetic notice, occurring as it did just after his unanimous re-election. But far from accentuating the bitterness of it, that coincidence relieves it of some of its sadness. His last conscious hour on earth was gladdened by the people's sign of approval of his long course upon the Bench. Looking back over twenty years or more of his judicial activity they through the ballot, with one voice, uttered their pronouncement: 'Well done, good and faithful servant,' and that grateful sound went with him into the valley of the shadow of death."

Bleloch, Edgar K. (1st J. D., Philadelphia), born in 1879; died September 1, 1913. Graduate of Temple University, Philadelphia. Admitted to the Bar in 1905.

Mr. Bleloch was a member of the State Legislature from the Germantown and Roxborough district.

Blood, Cyrus H. (54th J. D., Jefferson), born 1860; died November 8, 1913.

Brenneman, Henry C. (19th J. D., York), born January 14, 1858; died February 11, 1913. Admitted to the Bar in August, 1895.

On his admission to the Bar he was appointed County Solicitor which position he held for five years, and in January 1906 was again elected and held the office until 1912. For eleven years he was the Solicitor for the County Commissioners.

(For further notice of Mr. Brenneman, see No. 40, vol. 27 of York Legal Record for February 19, 1914.)

Brooks, Joseph Judson (5th J. D., Allegheny), born at Salem, O., November 23, 1845; died April 10, 1914. After graduating B. A., Yale, 1867, he took the degree of B. L. at Harvard Law School in 1869.

Admitted to the Pittsburgh Bar in 1870, he became in 1881 Assistant General Counsel, and in 1893 General Counsel, of that part of the Pennsylvania Railroad System now called the Lines West, with the interests of which he continued to be indented through a long and honorable professional career.

Bullitt, William C. (1st J. D., Philadelphia), born June 18, 1856; died March 22, 1914. Graduated from the University of Pennsylvania in 1876, and also attended the University of Virginia. He read law in the office of his father, the late John C. Bullitt, and was admitted to the Bar, December 8, 1879.

In 1882 he was elected a member of the House of Representatives in Pennsylvania. He took an active interest in public affairs.

Butler, George Hollenback (11th J. D., Luzerne), born September 2, 1857; died March 20, 1914. Admitted to the Bar, June 6, 1881.

Mr. Butler was always prominent in the life of the community, ever ready and willing to aid in every movement for the uplift and betterment of Wyoming Valley.

Campbell, James Fairman (1st J. D., Philadelphia), born 1872; died November 18, 1913. He was educated in the technical schools of Brooklyn Polytechnic, Massachusetts Institute of Technology, and Lehigh University. He graduated from the Law Department of the University of Pennsylvania in 1895, and the same year was admitted to the Bar.

For a number of years his practice was in the line of railroad work, in which he had become quite successful.

He was the son of James D. Campbell, former general solicitor of the P. & R. Railway, and grandson of Thomas P. Campbell a leading lawyer in his day of Huntingdon County, Pa.

Cantrell, Francis S. (1st J. D., Philadelphia), born in 1845; died January 23, 1914. Admitted to the Bar April 14, 1866.

He was a graduate of the Law Department of the University of Pennsylvania.

Clapp, B. Frank (1st J. D., Philadelphia), born August 5, 1854; died February 11, 1914. Educated at the Episcopal Academy, and graduated from the Law Department of the University of Pennsylvania, in 1876. Admitted to the Bar January 29, 1876.

He was a man of high professional ideals. For a number of years, he was secretary of the Law Association of Philadelphia, and in his will left to it a legacy of \$500,—which is applied to its "Endowment Fund." He was a member of this Association.

Craumer, E. E. (5th J. D., Allegheny), born in 1860 at Lykens, Dauphin County; died January 12, 1914.

Graduating from Lebanon Valley College in 1883, he was admitted in 1886 to the Bar of Lebanon County, and January 3, 1891, to that of Allegheny, where he continued in practice until the time of his death.

Denniston, Hudnut (1st J. D., Philadelphia), born in 1879; died November 28, 1913. He was educated in Farnum and Princeton Preparatory Schools and graduated from the Law Department of the University of Pennsylvania in 1900, in which year he was admitted to the Bar.

Dickson, Thomas Speer (1st J. D., Philadelphia), born in 1849; died January 26, 1914. Admitted to the Bar March 16, 1886.

Diess, George T. (1st J. D., Philadelphia), born in 1857; died July 7, 1913. Admitted to the Bar in 1865.

Mr. Diess had been an attache of the Prothonotary's office for more than fifty years, having been appointed by Prothonotary Wolbert. He was clerk of the Court of Common Pleas No. 1, and with one exception, at the time of his death the only survivor of the clerks of the old four Courts of Common Pleas, established under the Constitution of 1874.

Dzmura, Victor P. (5th J. D., Allegheny), born in 1885; died July 3, 1913. Admitted to the Allegheny County Bar, October 9, 1909. He was a graduate of St. Vincent's College, of Georgetown University, and the University of Pittsburgh.

Evans, Miller D. (38th J. D., Montgomery), born in 1839; died October 16, 1913. Admitted to the Bar in 1865.

For forty-five years he resided in Pottstown where he was counsel for many local corporations.

Ewing, Nathaniel (14th J. D., Fayette), born June 17, 1848; died March 28, 1914. Admitted to the Bar in 1871.

Judge Ewing began the practice of law in his native town. The substantial character of his legal education and his general ability obtained for him a speedy recognition as a leader at the Bar. His practice was extensive and lucrative and included service as counsel for the Southwest Branch of the Pennsylvania Railroad from the time it obtained its charter in 1871 up to his accession to the Bench in 1887.

Upon the creation of an additional Judgeship in the Fourteenth District by Act of Assembly, Judge Ewing was appointed in June, 1887, to serve until the following January. During the same year he was nominated on the Republican ticket and elected by a majority of 700 for a ten year term.

In 1899 when Judge S. L. Mestrezat was elevated to the Supreme Bench, Judge Ewing was the Republican nominee for the Common Pleas Bench of Fayette County, but was defeated by the narrow margin of 32 votes.

During his practice of law Judge Ewing was counsel for the Pennsylvania Railroad, W. J. Rainey, and H. C. Frick Coke Company and other corporations, and his legal advice was much sought. He was an important factor in the business life of the town, was one of the builders and owners of the Blackstone law building and active in the establishment of the Columbia Iron and Steel Company's plant. He was a stockholder in the Fayette Gas Fuel Company, United Light Company and the projector and principal stockholder in the Hygeia Crystal Ice and Storage Company. He was President of the National Bank of Fayette County, director of the Pittsburgh Life and Trust Company, and of the Finance Company of Pennsylvania.

In 1906 President Roosevelt selected Judge Ewing for the United States District Court Bench for Western Pennsylvania and he served until 1908, when he resigned to accept an appointment from Governor Stuart as Chairman of the State Railroad Commission. He served one term of five years, was re-appointed in 1913 by Governor Tener, and when by the Act of July 26, 1913, the Railroad Commission was superseded by the Public Service Commission, Judge Ewing was appointed Chairman of that body for a ten year term at a salary of \$10,000 per year. This commission consists of seven members.

On October 22, 1878, Judge Ewing married Miss Sallie Smith, step-daughter of Judge William Mitchell of the Supreme Court of Minnesota, but she lived only a few years. There is one son, William K. Ewing, of San Antonio, Texas. William K. Ewing's wife is a daughter of Congressman Charles E. Patton of Curwensville, Pa. Brothers and sisters surviving are ex-Judge S. E. Ewing, Bryn Mawr; J. K. Ewing, Jr., Pittsburgh, and Mrs. B. B. Howell, Uniontown. J. M. B. Reis, of New Castle, is a brother-in-law, his wife having been a sister of Judge Ewing.

Judge Ewing was a trustee of Princeton University from 1904 to 1907. His son William followed in the footsteps of his father and graduated from Princeton. Judge Ewing had filled the high position of President of the Pennsylvania State Bar Association and was a member of the American Bar Association.

There have been eight Judges in the Ewing connection. Judge Nathaniel Ewing's father, grandfather, great-grandfather, father-in-law, brother-in-law, brother, uncle and then himself, all served on the Bench with distinguished ability.

Judge Nathaniel Ewing's father was Hon. John Kennedy Ewing, who served on the Fayette County Bench. His grandfather, Judge Nathaniel Ewing, Sr., also served on the Fayette County Bench. His great-grandfather on the Bench was Judge John Kennedy, one of the truly great jurists of the Pennsylvania Supreme Court. His father-in-law was Justice William Mitchell of the Minnesota Supreme Court. His uncle was Judge Alpheus E. Willson of the Fayette County Bench. His brother is ex-Judge Samuel E. Ewing of the Fayette County Bench, and his brother-in-law is Justice S. Leslie Mestrezat of the Pennsylvania Supreme Court, whose wife, now deceased, was formerly Miss Eliza Willson Ewing. This is a record of four generations of Judges.

The Ewings for generations past have been Presbyterians and Judge Nathaniel Ewing's devotion to his church was one of his marked characteristics. For years past he had been an elder in the First Church where he was a tower of strength for his counsel, wisdom and support. He was faithful in attendance, generous in his contributions and always ready to assist in all worthy movements in the church and community. In the First Church he was Chairman of the Music Committee. For ten years or more he was indetified with the Y. M. C. A. movement in Uniontown and was a large contributor to that cause. He was one of the members of the Location Committee.

Ferguson, John Scott (5th J. D., Allegheny), born January 24, 1842; died January 9, 1914. Admitted to the Bar April 17, 1863.

He was a graduate of the Pittsburgh Grammar and High Schools. He also took further private instruction. His legal studies were begun under a relative, Robert Woods, a lawyer of the old type with a large and varied practice. Thenceforward, throughout a long and remarkably successful professional life, his faculties became as it were more and more attuned to the work of the lawyer. His studies extended at times somewhat widely over other subjects, but his serious activities were given to his ideal of the law as a profession. From a very early period in his practice until almost the day of his death, he was probably more continually engaged in the trial and argument of cases than any of his cotemporaries; and whether retained by clients, and himself advising and beginning the proceedings or called in at their crucial stage to aid other counsel, he showed the same ready mastery of all matters involved.

Fletcher, Frank (20th J. D., Bedford), born April 22, 1852; died November 8, 1913. Admitted to the Bar in 1877.

Fox, Alexander M., Jr. (1st J. D., Philadelphia), died March 19, 1914.

Freeze, John G. (26th J. D., Columbia), born in 1825; died July 8, 1913.

Mr. Freeze was the oldest active member of his Bar at the time of his death. He was the author of the History of Columbia County. He was a trustee of the Bloomsburg State Normal School, and a vestryman in St. Paul's Episcopal Church.

Fulford, George M. (46th J. D., Clearfield County), born in Clearfield, January 2, 1870; died November 13, 1913. He was admitted to the Bar of Clearfield County May 25, 1891.

Gantz, Henry (27th J. D., Washington), born 1836; died May 1, 1913. Admitted to the Bar in 1865.

He graduated from the Washington and Jefferson College, in the class of 1860. After teaching school for a time he studied law, and was admitted to the Washington County Bar.

Gilbert, Lyman D. (12th J. D., Dauphin), born August 17, 1845; died May 4, 1914. Admitted to the Bar August 26, 1868.

His preparatory education was received at the Harrisburg Academy, and he graduated from Yale College in 1865.

He read law in Harrisburg in the office of Hon. John C. Kunkel, and was admitted to the Dauphin County Bar in 1868. At different times he was in partnership with Hon. John B. McPherson, now United States Circuit Judge, former United States Attorney General Wayne MacVeagh and Judge John H. Weiss, of the Dauphin County Court.

In 1873 he was appointed Deputy Attorney General by Hon. Samuel E. Dimmick, holding this position for nine years, when he retired to resume his practice. During his term as Deputy Attorney General he was engaged in the trial of all the important civil cases of the Commonwealth of Pennsylvania, both in its own Courts and in various Courts of the United States, including the United States Supreme Court.

He was for many years a solicitor of the Pennsylvania Railroad Company and its affiliated corporations, of the Cumberland Valley Railroad Company and of the Valley Railways. In the celebrated Military Court of Inquiry as to the conduct of Major M. A. Reno, at the time of the Custer massacre, Mr. Gilbert was the counsel of Major Reno and successfully acquitted his client of the charges made against him.

He three times received and declined tenders of appointments of Judgeships in Pennsylvania. He declined an important place in the office of the Attorney General of the United States when that position was held by Hon. Wayne MacVeagh. He refused the office of Solicitor of the United States Treasury under President Harrison. He also declined a high legal position offered him by Attorney General of the United States P. C. Knox.

Mr. Gilbert was President of the Pennsylvania Bar Association in 1899-1900, and also served as President of the Dauphin County Bar Association.

His interest in the work of the reformation of youthful criminal offenders caused him to accept and retain for many years a membership on the Board of Managers of the Pennsylvania Industrial Reformatory at Huntingdon.

In 1888 he married Gabrielle Cameron, daughter of Hon. George Cameron, of Petersburg, Va.

He linked an active mind with a broad and comprehensive knowledge of the law, which enabled him quickly

to prepare and ably to present his cases. He was a ready and finished orator, remarkable for accuracy and good taste in his language and aptness of quotation. His legal arguments were models of clearness and directness. His field of acquaintance and professional relations was wide, extending beyond the borders of this Commonwealth. He had a rare sense of honor—honor of the finest and most delicate mould.

Graybill, Clair Newton (41st J. D., Juniata), born in 1881; died May 19, 1914. Admitted to the Bar January 27, 1909. Graduated from the Dickinson College Law School.

At the time of his death was District Attorney of his County. He was a young man of fine character, and of promise in his profession.

Hall, Edward H. (32d J. D., Delaware), born April 15, 1848; died August 27, 1913. Admitted to the Bar November 24, 1873.

Mr. Hall was one of the best known lawyers of his County. He was recognized as one of the most conservative members of his Bar. He had a good practice, and took an interest in the advancement of his profession. He was a member of this Association and one of the most regular attendants at its annual meetings.

Harres, Charles G. (1st J. D., Philadelphia), born in 1858; died February 15, 1914. Admitted to the Bar June 29, 1878.

Harvey, Edward (31st J. D., Lehigh), born January 17, 1844; died September 7, 1913. Admitted to the Bar in 1865.

He was a member of the Constitutional Convention of 1873.

On June 14, 1878, he was appointed President Judge of the thirty-first Judicial District of Pennsylvania, to fill the vacancy caused by the resignation of Hon. A. H. Longaker. The appointment coming to him from Governor John F. Hartranft, a Republican, was a compliment to his professional knowledge and personal worth. He filled this office until 1879, the close of the unexpired term. His career on the Bench was in keeping with his brilliant record as a practitioner. His decisions were strictly fair and impartial, and clearly indicated a comprehensive knowledge of the law. Only six of his cases were appealed and in all his decisions were sustained.

After his retirement from the Bench, Judge Harvey resumed the active practice of the law. In 1878 he was solicited to become the nominee upon an independent ticket for President Judge of Lehigh County, but declined the honor. Again in 1879 he declined to accept an independent candidacy for Judge of the Court of Common Pleas of Bucks County. In 1882 a Committee of prominent lawyers and citizens of Dauphin and Lebanon Counties came to Allentown to ask his consent to be a candidate in a judicial contest in those Counties, but this he also declined.

In the fall of 1903, after the death of the late Edwin Albright, he was finally induced to stand as a candidate for the Democratic nomination for Judge. He was opposed by Hon. F. M. Trexler. Holding the judicial office in so high an opinion, he persisted in the contention that the office should seek the man, conducted no campaign whatever, actually hampered his friends who were anxious to see him thus honored and, refusing in any way to enter into the close fight of that spirited campaign, was defeated at the polls.

Early in the movement for the establishment of a hospital for Allentown the interest of Mr. Harvey was enlisted toward the realization of the project and he was elected a member of the first board of directors. Upon the removal

of Rev. Dr. J. A. Singmaster, the President of the Association, from Allentown to Gettysburg, eleven years ago, Mr. Harvey was elected as the President of the board of directors and of the hospital Association, a position that he held up to the day of his death. When the new wing was built during the past year he was one of the principal donors to the fund that made this needed enlargement and improvement possible.

As an orator Mr. Harvey's services were in great demand. His annual addresses at the hospital commencements were literary gems and models of their kind. One of his most notable addresses was that delivered upon the occasion of the civic memorial to the late President William McKinley.

He was widely known in Philadelphia among the profession and was a member of the University Club. He was also a member of the Union Veteran Legion by virtue of his father having been a captain in the Civil War.

Mr. Harvey was a gentleman of the old school. In bearing, manner of living, style of dress there was everything to suggest descriptions such as Washington Irving best knew how to write. His home, easily the most conspicuous in the city, had the bearing and dignity of its owner, surrounded on every hand by that beauty of which the owner was a passionate lover. It was a veritable library from top to bottom, the books being the finest private collection in the city, and the best of all it was made of books that were read by the owner. It was not a mere collection of books for show, but for use, and no one knew better than Mr. Harvey how to use them. In addition to books his home contained a fine collection of paintings, sculpture and other forms of art.

A lover and admirer of flowers, the finest exotics were raised by him in a greenhouse on his estate. Fine horses and fine dogs were among other of his hobbies.

Immaculately dressed at all times he was a conspicuous figure wherever he chose to be.

Never did he allow his fine spirit to fail and to the very end there was no flagging of his cheerfulness.

Herron, David S. (46th J. D., Clearfield County), born in Frankford, Kentucky, April 19, 1843; died at DuBois, September 10, 1913.

Mr. Herron graduated at the Ohio University, Athens, Ohio, in the class of 1866. He studied law in the office of Hon. Hugh W. Weir of Indiana, Pa. and was admitted to the Bar of Indiana County in 1868. After practicing law successively in Beaver County, Mercer County and Clarion County, he removed to DuBois, Clearfield County, in February 1883, and was admitted to the Clearfield County Bar May 31, 1883. Mr. Herron was a man of high character, genial disposition and lovable in all of his associations. For many years he held the office of United States Commissioner for the Western District of Pennsylvania. He was elected Burgess of DuBois for several terms and held many local offices with distinction and efficiency.

Hines, William Henry (11th J. D., Luzerne), born March 15, 1856; died January 16, 1914. Admitted to the Bar June 6, 1881.

Mr. Hines served Luzerne County in both Houses of the Legislature, and was also a member of Congress.

Holland, James B. (38th J. D., Montgomery), born November 14, 1857; died April 24, 1914. Admitted to the Bar in December, 1887.

Educated in the public schools. Elected District Attorney of his County in 1892. Appointed naval officer of the Port of Philadelphia by President McKinley, March

19, 1898, and by the same President on July 12, 1900, was appointed United States District Attorney for the Eastern District of Pennsylvania, and on April 19, 1904, was appointed United States District Judge of the same District by President Roosevelt. Though in feeble health, he kept steadily at work up to near the close of his life. He was highly respected as a man and as a Judge. He was a member of this Association. (For a full report of the Bar Meeting in honor of his memory, see *Legal Intelligencer* of May 8, 1914.)

Hughes, Benjamin F. (1st J. D., Philadelphia), born in 1843; died October 23, 1913. Admitted to the Bar June 29, 1878.

He received his education at Missionary Institute, Selinsgrove and at the Pennsylvania College, Gettysburg. In 1882 he was elected State Senator. During the Post-Mastership of John Field in Philadelphia, Mr. Hughes acted as Assistant Post-Master. For three years Mr. Hughes was solicitor for the City Trust Safe Deposit and Security Company of which he was an incorporator. Mr. Hughes took quite an interest in political affairs, and was an effective campaign speaker.

Hunsicker, Joseph W. (1st J. D., Philadelphia), born in 1828; died November 16, 1913. He graduated from Lafayette and Union Colleges. He was admitted to the Bar in 1853.

Mr. Hunsicker was the oldest member of the Philadelphia Bar at the time of his death.

He was a practitioner of the old school, and was specially well up to the statute law of the State. In the preparation of his cases, he was noted for his knowledge of the old system of pleadings, and was always an alert opponent.

Hunter, John Porter (5th J. D., Allegheny), born January 4, 1859; died February 27, 1914. Admitted to the Bar July 8, 1882.

On both sides he was of Scotch-Irish ancestry. He attended the public schools, and pursued a course of study with a well-known minister, afterwards going to Washington and Jefferson College. Mr. Hunter's thoroughness in the presentation of his early cases, and the capacity he showed in less conspicuous work attracted the favorable notice of his seniors at the Bar and on the Bench, and it was not long until he became a busy, hard-worked leading lawyer. Though he never held or seemed much to desire public office of a "political" kind, he rendered signal service to his party both in Court and in party councils and on the stump; always respected by those who opposed as well as by those who acted with him. His appointment as City Solicitor (but a short time before his death) was regarded by all as eminently fit.

Hyneman, Samuel M. (1st J. D., Philadelphia), born May 26, 1854; died May 2, 1914. Admitted to the Bar June 28, 1878.

He was a graduate of the Central High School of Philadelphia. Appointed Judge of Common Pleas No. 1, June 4, 1913, under the Five Judges Bill. Unseated by the Supreme Court holding the bill unconstitutional. Mr. Hyneman had a fine law practice, and was recognized as a good lawyer, careful in the preparation of his cases, and "fair and courteous to the Court and to his opponent." He was genial, kind and affable in disposition and had many friends. He was a member of the Pennsylvania Bar Association. (A full report of a meeting of the Bar in his memory, appears at length in the *Legal Intelligencer* of May 15, 1914.)

James, Robert E. (3d J. D., Northampton), born August 9, 1848; died November 10, 1913. Graduated from Lafayette College in 1869. Admitted to the Bar November, 1872.

Mr. James was a lawyer of great ability, and at various times occupied positions of honor and trust in the State and under the Federal Government. He had been President of the Pennsylvania Association of Trust Companies and President of the Pennsylvania Bankers' Association. He was a member of the Executive Council of the American Bankers' Association.

After his admission to the Bar Mr. James at once engaged in the practice of law, in which he was very successful. His professional abilities found recognition in his election to various positions open only to lawyers of capability—to the office of County Solicitor in 1879; to that of District Attorney in 1880; to that of City Solicitor in 1884; and in 1883 he was Democratic nominee for the Judgeship in the Dauphin-Lebanon District.

He was a member of the Legislature in the years 1877 and 1878. He took an active interest in political affairs, as indicated by the offices held, and during the administration of President Cleveland was appointed National Bank Examiner for Eastern Pennsylvania and New Jersey, and subsequently assigned as such to the City of New York, remaining in office during Mr. Cleveland's term and a portion of the term of President Harrison, voluntarily resigning in 1890, in order to give personal attention to the Easton Trust Company, of which he was one of the organizers. He subsequently became President of the Trust Company and remained so until his death.

Mr. James always took a great interest in banking matters, and in 1891, at the solicitation of the joint Committee on banking of the Pennsylvania Legislature, especially appointed, prepared and urged to final adoption

the Bill establishing a Banking Department for the State of Pennsylvania. He was Chairman of the Association of Trust Companies of the State.

He was of fine personal appearance, excellent social qualities, and his broad information and brilliant conversational powers made him an admirable acquisition to various intelligent circles. He was an eloquent speaker and at the Bar and on the rostrum, he made a wide reputation as an orator and advocate.

Jones, John R. (45th J. D., Lackawanna), born May 27, 1856; died December 10, 1913. Admitted to the Bar October 8, 1880.

He received his education at Wyoming Seminary and Harvard College. At Harvard he won high honors as an orator and in literature. He served six years as the District Attorney of his County, and with great credit to his ability as a lawyer and fidelity as a public prosecutor. In his private practice he gave much time as legal adviser to corporations, and assisted in organizing a number of banks which have become flourishing institutions. Aside from his own success, he took great interest in the struggles of young attorneys, and generously gave office room to young men studying for the Bar. He was of quite a literary trend of mind and had written numerous verses and much prose. He was a member of the Association.

Kennedy, George C. (2d J. D., Lancaster), born in 1858; died July 14, 1913. Admitted to the Bar January 24, 1879. He was at one time United States Commissioner of the Lancaster District.

Kotz, Henry J. (43d J. D., Monroe and Pike), born in 1843; died October, 1914. He was the oldest member of the Monroe County Bar. He was a candidate for the Bench ten years ago against Judge Staples.

Lees, William Clement (1st J. D., Philadelphia), died February 25, 1914. Admitted to the Bar October 22, 1900.

Lichtenwalner, E. J. (31st J. D., Lehigh), born December 21, 1858; died December 22, 1913. Admitted to the Bar January 30, 1883.

Educated at Lawrenceville and New Jersey Academy, and graduated from Muhlenberg College in 1879.

He was engaged in active practice at the Bar from the time of his admission to within a few days of his death. He attained especial eminence in the trial of criminal cases, and in 1901 was elected District Attorney, in which office he served the people of our County for a term of three years. The fidelity with which he discharged his duty to his clients brought him a large general practice. A warm heart and engaging social qualities endeared him to a large circle of friends.

McCall, James St. Clair (19th J. D., York), born August 15, 1872; died October 2, 1913. Admitted to the Bar in 1893.

He was educated in the public schools of York, and graduated from the York High School at the head of his class in 1889. In 1893 he graduated from the Law School of Yale College.

At Yale he received the degree of Bachelor of Laws, *magna cum laude*, and was also awarded the Frederick A. Betts prize of \$50 for leading his class in his junior year, and the jewel prize of the same amount for heading the senior class. The class was composed of 78 members, only four of whom were younger than Mr. McCall. In spite of his brilliant scholastic attainments, he found time to take a deep interest in athletics. He played baseball and football and for several years after his return from college he coached York High School football teams through successful seasons.

In 1894 Mr. McCall was admitted to practice in the Supreme Court of Pennsylvania.

Upon solicitation of his friends he accepted the nomination for District Attorney against William B. Gemmill in November, 1898. He was defeated for this office. In 1905 he was elected mayor of York, serving the term of three years. Though the youngest incumbent of that position ever elected in that city, he filled it with marked distinction. After completing his term he had several times served the city as special counsel in important matters, one being the suits over the new sanitary sewage system, and another the recent investigation of water rates in which his report left no doubt as to the limitations of the city's rights in this matter.

A faithful member of the First Presbyterian Church, Mr. McCall was one of the trustees and also taught a class in the Sunday School. He was a director of the Industrial National bank, of West York, and a member of the Lafayette Club and the York Club. He was Past Senior Vice-division Commander of the Sons of Veterans, U. S. A. (For a fuller account see No. 21 of vol. 27 *York Legal Record*, October 9, 1913.)

McElroy, William M. (5th J. D., Allegheny), born in Pittsburgh in 1856; died April 20, 1914. Admitted to the Bar November 2, 1878.

He performed without ostentation the duties of each day, and held the affection of family and friends and the esteem of clients and fellow-lawyers.

McJunkin, J. David (50th J. D., Butler), born September 3, 1839; died February 4, 1914. He was educated at Butler Academy, and at Witherspoon Institute and West Sunbury Academy. Admitted to the Bar in 1863.

Elected to the Legislature in 1869, and again in 1870. He was for several years Dean of the Butler Bar, and President of its Bar Association.

Main, Joseph O. (11th J. D., Luzerne), born 1861; died December 26, 1913. Admitted to the Bar January 13, 1896.

When Wilkes-Barre became a city of the third class, Mr. Main was elected Controller. He was re-elected, filling the office two terms in a highly creditable manner.

Marron, John (5th J. D., Allegheny), born August 27, 1854; died January 9, 1914. Admitted to the Bar December 20, 1875.

In his boyhood, and throughout life, John Marron developed those strong and deep affections, and that indomitable will and purpose which, with his native endowments, won the love and admiration of all who knew the man, and secured and held for him during a period of rapid change, a unique position as an advocate and public speaker. In his professional work, his method was aggressive and uncompromising. His more gracious traits were revealed fully to his intimates; his lifelong and ever deepening faith, his broad, intelligent, really self-sacrificing charity, and his love for the beautiful, in the vesture of the garden and the woodland, in literature, and in actual human conduct and achievement.

Marx, James H. (23d J. D., Berks), born February 9, 1846; died September 3, 1913. Admitted to the Bar August 13, 1878.

He was a member of the first class which graduated from the Keystone State Normal School at Kutztown, and was subsequently for twelve years President of the Board of Trustees of that institution. He read law in the office of Hiram H. Schwartz, Esq., afterwards Judge of the Orphans' Court of Berks County. He served as school director and held office under the Borough of Kutztown. He was for thirty years a Justice of the Peace, and was

director in several local business institutions. His son, Frederick A. Marx, Esq., is Assistant District Attorney of Berks County.

Miller, Jerome Green (11th J. D., Luzerne), born February 27, 1835; died March 6, 1914. Admitted to the Bar April 24, 1858.

As an attorney he was never active in the trial of cases, but for many years had a large and lucrative office practice.

Mitchell, Ehrman Burkman (12th J. D., Dauphin), born April 11, 1854; died August 2, 1913. Admitted to the Bar November 8, 1875.

His education was received in the Harrisburg city schools and at Dickinson College, where he graduated in 1874.

Mr. Mitchell read law with his uncle, L. Z. Mitchell, Esq., of Butler, Pa., and was admitted to the Dauphin County Bar, November 8, 1875. In 1879 he was elected prothonotary and clerk of the Courts of Dauphin County, and was re-elected in 1882. Subsequently, he entered into active practice of the law and gained an important clientage, and became interested in many of the leading industrial and financial activities of the city.

He was a member of the Dauphin County Bar Association and a charter member of the Pennsylvania Bar Association.

Nease, James Sebastian (27th J. D., Washington), was born April 17, 1857; died March 8, 1914. Admitted to the Bar September 22, 1888.

In his early years Mr. Nease taught school. He attended Washington and Jefferson College, graduating with the class of 1884. Mr. Nease for many years was a mem-

ber of Company H. 10th Regiment, National Guard of Pennsylvania. He was a student of bird and animal life, and had more than a local reputation as an authority in such matters.

Newlin, James W. M. (1st J. D., Philadelphia), born in 1846; died January 29, 1914. Admitted to the Bar July 15, 1865.

He was made Deputy Attorney General under Benjamin Harris Brewster, with whom he studied law. When Mr. Brewster was appointed Attorney General of the United States by President Arthur, he appointed Mr. Newlin on the legal staff in the Department of Justice. Early in life he was elected to the State Legislature. He was a member of the Constitutional Convention of 1873-4. He was an active and persistent practitioner, and "best known probably in the prosecution of various cases against trusts and corporations."

Olmsted, Marlin Edgar (12th J. D., Dauphin), born May 21, 1847; died July 19, 1913. Admitted to the Bar November 25, 1878.

Mr. Olmsted was educated in the public schools of his native town, Coudersport, Potter County, Pennsylvania, and in the Coudersport Academy. After serving the State for six years as corporation clerk in the office of the Auditor General, he read law with the late Judge Simonton, of the Dauphin County District. He was admitted to the Bar in 1878, and from that time until his death practiced law at Harrisburg. He was elected delegate to the proposed Constitutional Convention in 1891, and for sixteen years, from 1897 to 1913, was a member of Congress from the Dauphin District. He was a Delegate-at-Large to the National Republican Convention in 1908, and Parliamentarian to the National Republican Convention in 1912.

The field of the law which most engaged his attention was that relating to the formation of corporations, and affecting their relations, management, development and taxation. In such matters his success was immediate and complete, and he was quickly recognized not only in this State, but in other States, as a master of this branch of intricate legal practice, and his advice and assistance were widely sought by lawyers and laymen within and without this State who were interested in corporate affairs. His practice extended not only throughout the State of Pennsylvania, but into other States, and his appearances in the United States Supreme Court were frequent and his victories there many and notable, and attended with high professional and judicial praise.

In Congress he served as Chairman of the Committee on Insular Affairs, and also as Chairman of the Committee on Elections, in both of which offices his learning, thoroughness and impartiality were acknowledged in very substantial ways by the entire House of Representatives.

He was the unanimous choice of the House of Representatives as one of the managers of the impeachment proceedings of Judge Swayne, of Florida.

In Congress he became an authority upon parliamentary law, and was the trusted lieutenant of Speakers Reed, Henderson and Cannon; and frequently and for long periods of time presided as speaker *pro tem*, over the House of Representatives, and as such not only displayed his complete knowledge of parliamentary procedure, but upon "occasions sudden" made parliamentary rulings which became and are followed as parliamentary precedents.

He was the friend and counselor of Presidents, and they valued his advice in grave and great administrative measures.

Mr. Olmsted illustrated in his life and work the best and loftiest traditions of the Bar.

Patton, Willis Dalzell (33d J. D., Armstrong), born January 13, 1853; died January 29, 1913. Admitted to the Bar August 28, 1876.

He loved the study of law and from the day he started to learn it, it became his second nature. He possessed great natural ability as a lawyer and with a keen analytical mind was able to quickly comprehend any legal problem. He enjoyed nothing so well as grappling some intricate question which required work and study to unravel. As a practitioner he was very successful and not only gained a large clientele, but enjoyed their absolute confidence. As a man he was of the strictest integrity and his opinions in matters of business were always sought. In 1899 he was elected Judge of the Court of Armstrong County and 1909 was re-elected. He stood in the front rank among the Judges and his record in the higher Courts is enviable. In his home County his decisions were so highly thought of that many litigants refused to carry their cases further, believing that an appeal would be useless. Being a great student and an ardent worker he quickly disposed of his business and kept the legal affairs of the County up to the minute.

Pollock, John Parry (11th J. D., Luzerne), born February 6, 1851; died February 8, 1914.

Mr. Pollock was for many years the leading Alderman of the City of Wilkes-Barre.

Prescott, James W. (5th J. D., Allegheny), born in 1862, in Allegheny; died December 10, 1913, at the home of his brother and partner, in the same section of the City of Pittsburgh. Admitted to the Bar October 3, 1885.

The repute in which his father lived in the city, as a man diligent in his business and of sterling integrity, was a heritage which suffered no diminution in the son's care.

Price, Thomas B. (1st J. D., Philadelphia), born in 1850; died October 3, 1913. Admitted to the Bar May 28, 1872.

Mr. Price gave much of his time to reporting the proceedings of the Courts for the public press, and was manager for some years of the combination in charge of that work. His work required careful attention, and occasionally brought him in close relationship with the Courts. He was careful and discreet in his reports, and had the respect of the Bench and Bar.

Rennert, Herman W. (1st J. D., Philadelphia), born in 1864; died May 15, 1914. Admitted to the Bar October 12, 1895.

Rodgers, William Blackstock (5th J. D., Allegheny), born July 1, 1842, in the 4th ward of old Allegheny, in whose municipal and civic affairs he long bore an honorable part; died May 25, 1914. Admitted to the Bar February 5, 1864.

He attended the public schools and matriculated at the Western University, now The University of Pittsburgh, but graduated from Allegheny College and pursued his law studies under the late Judge John M. Kirkpatrick and his then partner, John Mellon. Mr. Rodgers was in close touch with political leaders, and though he gave considerable attention to the interests of his party, his practice as a lawyer was always first in his thoughts, and he never sought office or advancement except along the lines of professional work. His special study was in the law of "municipal corporations"—that part of our public law, which involves at this time, such vast and diversified interests. In 1876-77 he was a member of the State Municipal Commission appointed by Governor Hartranft, to devise a uniform plan for the government of the cities of Pennsylvania.

Mr. Rodgers' clientage included very extensive and important interests, private and corporate. In the changes, legal and political, that took place in the affairs of the City of Pittsburgh during his later years, his part was rather influential and serviceable to his associates and the public than conspicuous in headlines. For six years, to the end of Mayor Guthrie's term in 1909, he was at the head of the Law Department of the City, and when the present School Code became law, he was retained by the Board of Public Education of the consolidated City School District as its chief adviser upon all legal matters in the change from the old order to the new.

Rowand, Archibald Hamilton (5th J. D., Allegheny), born in Philadelphia, March 6, 1845, his family removing to Allegheny City in 1851; he died December 15, 1913. Admitted to the Bar January 10, 1885.

At the beginning of the Civil War, he enlisted in a cavalry regiment. On the personal recommendation of General Sheridan, he received from Congress the medal "for valor." In his subsequent course, in public office, at the Bar, and in his other business and social relations, he did not depart from this character.

Rowe, D. Watson (39th J. D., Franklin), born in 1836; died July 15, 1913.

For twenty years, from 1868 to 1888, he was President Judge of the Common Pleas Court of the 39th Judicial District.

He was succeeded by Hon. John Stewart who in 1906 was elected to the Supreme Court. In 1906 he was appointed to fill the unexpired term of Judge Stewart. He was the Republican candidate at the following election but was defeated by the Hon. W. Rush Gillan, the present incumbent of that office.

Judge Rowe was highly respected for his judicial ability and was recognized as one of the strong Judges of the Common Pleas Bench of the State. During the Civil War he was Lieutenant-Colonel in the 126th Pennsylvania Volunteers recruited from the Border Counties, and had a fine military record.

Judge Rowe was what is often termed, a gentleman of the old school and was noted for his gracious manners. His kindness to the younger members of the Bar, and his generous and interested advice to law students will be remembered by many of his own and of adjoining Counties. His interest followed them into their profession and he always took pleasure in meeting with them and in learning of their success. He was a man of fine appearance and of dignified and courteous bearing. He will be kindly remembered by the Bar and by the citizens of his County.

Samuel, John (1st J. D., Philadelphia), born October 21, 1829; died August 23, 1913. Admitted to the Bar October 21, 1850.

Mr. Samuel graduated from a New England Methodist College. Mr. Samuel practiced law for sixty years. "For many years he was most active in the Historical Society of Pennsylvania, the Law Association of Philadelphia and from 1890 to 1908 was Chairman of its Board of Governors. He was a member of its Committee of Censors for twenty years. He was a careful lawyer, and like many of the older Bar, "it was one of his rules never to speak or advise about a provision of the law, especially about wills, deeds, etc., without referring to the Statutes, a digest would not do. He always examined the original act itself in the Pamphlet Laws. A most interesting memorial of him by Judge Barratt, can be found in the library of the Philadelphia Law Association.

Schwartz, Benjamin H. (1st J. D., Philadelphia), born in 1880; died May 19, 1914. Admitted to the Bar July 14, 1902.

Seymour, Warren I. (5th J. D., Allegheny), born August 28, 1873; died February 16, 1914. Admitted to the Bar December 17, 1898.

In 1895, he took his B. A. degree at Princeton, and in 1898, L. L. B. at Harvard. For some time during his early practice, he was assistant to District Attorney Robert E. Stewart, and having in 1909 been special counsel for the Voters' League, he was appointed First Assistant District Attorney in 1910 and worthily represented the Commonwealth in all the prosecutions resulting from the investigation. In April 1912, he retired from public office and resumed private practice with the law firm of which he was the head.

Mr. Seymour was for four years president of the Princeton Alumni Association, and was also president of the Pittsburgh Law Club, member of the Duquesne, University and Oakmont Country Clubs, of the Pittsburgh Athletic Association, and a life member of the Press Club.

Shovlin, H. A. (11th J. D., Luzerne), born September 18, 1863; died March 24, 1914. Admitted to the Bar August 1, 1904.

He was a lawyer of no ordinary ability, bringing to his profession native common sense, strong reasoning powers, and sterling honesty. At the time of his death he was one of the leading Attorneys of Luzerne County, and one of the Assistant District Attorneys.

Snodgrass, Robert (12th J. D., Dauphin), born October 12, 1836; died November 8, 1913. Admitted to the Bar May 5, 1863.

His primary education was received at Shippensburg, Pa. He prepared for college at Milnwood Academy,

Shade Gap, Huntingdon County, Pa., and graduated from Lafayette College in 1857. For many years, and until his death, he served as a member of the Board of Directors of this College.

He read law in Moorefield, Virginia, his preceptor being Hon. J. W. F. Allen, then Judge of the Circuit Court of Hardy County, Virginia. The sectional feeling of the Civil War times caused Mr. Snodgrass to remove to Harrisburg in 1862. Here he continued the study of law with the Hon. John W. Simonton, and was admitted to the Dauphin County Bar.

In 1867 he was appointed United States Commissioner. In 1870 he was appointed Prothonotary of the Supreme Court of Pennsylvania for the Middle District. In 1882 he became Deputy Attorney General of the State, continuing in the office until March 11, 1887.

He served continuously as the Chairman of the Dauphin County Law Library from the time of its formation, and was a member of the Board of Law Examiners of the County for more than thirty years, being President of the Board at the time of his death.

He was a charter member of the Dauphin County Bar Association and its first President. From 1895 until 1897 he was Chairman of the Committee on Legal Education of the Pennsylvania Bar Association. In 1907 he became President of this Association.

He took an active interest in the American Bar Association, and was one of the Committee appointed by the Governor of this State on Uniformity of Legislation in the United States. He was prominent in the religious, social and civic life of the City of Harrisburg.

He was zealous, persistent and sagacious in the conduct of litigation. The fidelity with which he served his clients and upheld the honor of his profession was unlimited. He possessed the faculty, not only of grasping the law, but of clearly, forcibly and concisely presenting it. He was a

constant student and reader of the law, and, aside from that, his tastes were scholarly and his reading wide, particularly in the historical and biographical fields.

Stevenson, William Marshall (5th J. D., Allegheny), born in 1855, at Johnstown, Pa.; died January 12, 1914. Admitted to the Bar of Allegheny County January 2, 1886.

He was drawn from the law into classical studies, which he prosecuted at several European institutions of learning, taking the degree of Ph. D. at the University of Göttingen. He was for a time Professor of Latin and Greek at a California College, and afterwards at the Pittsburgh High School.

Taylor, James Franklin (27th J. D., Washington), born January 15, 1854; died December 19, 1913. Admitted to the Bar October 13, 1879.

Graduated at Washington and Jefferson College, with the class of 1876. He registered as a law student October 12, 1876, and was admitted to the Washington County Bar October 13, 1879. Soon after his admission he became a law partner of Winfield McIlvaine. In 1883 Mr. Taylor was elected District Attorney of Washington County, and succeeded himself in this office in 1886. On June 24, 1895 he was appointed by Governor Hastings, Associate Law Judge of the 27th Judicial District, to hold office until the first Monday of January 1896. On August 5, 1895 he was chosen candidate of the Republican party for the office, and was elected in November. At the end of ten years he was re-elected. In politics Judge Taylor was a staunch Republican and was many times honored by his party. In 1882, he was County Chairman of the Republican party; in 1883 and 1886 served as District Attorney on that ticket. He was a Republican Presidential Elector for the 24th Congressional District

in 1908. In his eighteen and one-half years of service upon the Bench, he established a reputation for himself by his quick perception, and unswerving adherence to the position he believed to be the just one. He found time to interest himself in the various church, financial and educational activities of Washington, having been a trustee of Washington and Jefferson College. A great-grandfather, Col. Henry Taylor, was one of the first justices appointed in the western end of the State, and was the first duly commissioned President Judge of a Court of Common Pleas for Washington County.

Wanner, Peter D. (23d J. D., Berks), born December 1, 1840; died May 21, 1914. Admitted to the Bar November 4, 1865.

Mr. Wanner graduated from Franklin and Marshall College in 1865; was District Attorney of Berks County 1871-74, and subsequently County Solicitor. In 1879 he became engaged in the iron foundry business, which he pursued for a long period, eventually returning to the Bar. Mr. Wanner was ambitious of political distinction, and figured largely in County politics. By nature aggressive and tenacious he wielded a strong influence in the counsels of his party. These traits were associated with an independence of character and boldness of utterance, which made him at all times a unique figure in public affairs. His sudden and tragic death made a profound impression upon the Bar and the community at large, to whom he was so long well known as orator and leader.

Weyand, Edwin Stanton (36th J. D., Beaver), born October 27, 1862; died October 19, 1913. Admitted to the Bar May 31, 1892.

Mr. Weyand came of good old colonial stock, a number of his ancestors having been active in the early history of the country. One of the signers of the Declara-

tion of Independence, John Hart of New Jersey, was his great, great, great grandfather. His father, Jacob Weyand participated in the War of the Rebellion, and was brevetted Major and Lieutenant Colonel for meritorious services.

Mr. Weyand was treasurer of the Board of Trustees of Beaver College, one of the managers of the Reform School at Morganza, and was one of the organizers and a director of the Saint Clair National Bank. He was highly respected in his profession, and as a citizen and neighbor, had the esteem of all who knew him.

White, Charles H. (1st J. D., Philadelphia), born in 1850; died February 16, 1914. Admitted to the Bar July 13, 1895.

Mr. White was Clerk of Court of Common Pleas No. 4, to which office he was appointed over 40 years ago.

"Charlie White" as he was familiarly known to the Bar, was well thought of and discharged the duties of his office with fidelity to his Court, and in a pleasant and courteous manner to the members of the Bar.

Mr. White was the last of the Court Clerks holding office from the organization of the first four Courts of Common Pleas under the new Constitution.

Wilson, Smith Van Valzah (46th J. D., Clearfield County), born November 21, 1853; died July 20, 1913.

Smith V. Wilson attended the Clearfield schools and later took a two years' preparatory course at Lawrenceville. In the fall of 1871 he entered Lehigh University for the regular classical course, and graduated from that institution in 1874. He registered as a law student in Clearfield with Wallace and Krebs; was admitted to the Bar of Clearfield County, March 8, 1877 and at once commenced the active practice of his profession. In November 1885, he was elected District Attorney of Clearfield County and served two terms in that office. In his earlier

years he was active in Democratic politics and served as County Chairman of his party in the County. He was one of the original members of the Pennsylvania Bar Association, and for some years was active in the affairs of the Association. In Mr. Wilson's death the Bar of Clearfield County lost a good lawyer, who in all the capacities of life did his work thoroughly and well. He was industrious in his habits, quiet in his living, upright and moral in his conduct, and his memory will long be revered by his associates of the Bar.

Wiltbank, William White (1st J. D., Philadelphia), born March 27, 1840; died January 23, 1914.

Owing to delicate health as a boy, he was educated under private tutors. In 1863 he entered the army, was commissioned Captain, and in October 1865 was mustered out with the rank of Major.

He read law under Eli K. Price and was admitted to the Bar, February 10, 1866. On the death of Judge Hare, he was appointed by Governor Hastings to fill the vacancy in Court of Common Pleas, No. 2, in December of 1896, and in November 1897 he was elected for the full term of ten years. In 1907 he was re-elected for another term. He had a clear intellect, and was an excellent trial Judge. "He was firm without harshness, and kindly without loss of dignity."

(See *Legal Intelligencer* for January, 1914.)

Young, James Scott (5th J. D., Allegheny), born in Allegheny City, December 3, 1848; died suddenly, February 25, 1914. Admitted to the Bar January 11, 1872.

He was a graduate of Jefferson College. He registered as a student in the office of the late Thomas Ewing. Mr. Young was well grounded not only in the learning of his profession, but in its traditions in America and the Mother Country. His studies in literature were a delight to

him and to his many friends. While he soon attained an assured position as a lawyer, he never permitted professional labors or ambitions to interrupt for long that genial intercourse with the books and men he had learned to love, which his kindly nature seemed to crave. While at the Bar, he often served as master under the unique equity practice formerly prevailing in this State, which made the Master Deputy-Chancellor, to pass in the first instance on the whole case. February 8, 1902, he was appointed United States Attorney for the Western District. In February 1905, he was appointed to fill a vacancy on the Bench of the former Court of Common Pleas No. 2, and was continued in the office at the ensuing popular election. In February 1908, when the Honorable Nathaniel Ewing, then Judge of the District Court of the United States for the Western District, resigned that office, Judge Young was appointed in his place, and continued therein until his death.

GEORGE R. BEDFORD, Luzerne: I move that the Report of the Committee on Legal Biography be received and filed, and that the thanks of the Association be extended to the Provost and Trustees of the University of Pennsylvania, and to the Dean of the Law Department, for the courtesy extended the Committee on Legal Biography in giving the use of a room for its historical collection.

Duly seconded, and agreed to.

THE PRESIDENT: The next report in order is that of the Committee on Admissions.

REPORT OF THE COMMITTEE ON ADMISSIONS

EDWARD J. FOX, *Chairman*, Northampton: The Committee on Admissions beg leave to report:

ADOLPH EICHHOLZ	Philadelphia County
J. CARROLL HAYES	Chester County
HOWARD M. LONG	Philadelphia County

G. HAMILTON COLKET	Philadelphia County
EDMUND K. TRENT	Allegheny County
C. E. BERGER	Schuylkill County
OTTO G. KAUPP	Lycoming County
JOHN M. KELLEY	Susquehanna County
GEORGE P. LITTLE	Susquehanna County
RALPH B. LITTLE	Susquehanna County
JAMES MCKIRDY	Dauphin County
WILLIAM A. SKINNER	Susquehanna County
CHARLES L. VANSCOTEN	Susquehanna County
HENRY ARRONSON	Philadelphia County
ROBERT M. BOYLE	Philadelphia County
HENRI FELIX	Philadelphia County
HOWARD S. J. SICKEL	Philadelphia County
GEORGE H. STEIN	Philadelphia County
A. D. WILKIN	Allegheny County
W. B. ADAMS	Jefferson County
HARRY S. AMBLER, JR.	Philadelphia County
G. DOUGLAS BARTLETT	Philadelphia County
J. GARFIELD HOUSTON	Allegheny County
T. WALTER GILKYSOON	Philadelphia County
E. A. HOWELL	Delaware County
J. DEHAVEN LEDWARD	Delaware County
CHARLES R. MAY	Beaver County
JAMES L. SCHAADT	Lehigh County
CHARLES M. JOHNSTON	Allegheny County
DAVID E. MITCHELL	Allegheny County
JOHN D. EVANS	Allegheny County
GEORGE H. STENGEL	Allegheny County
GIFFORD K. WRIGHT	Allegheny County
SIDNEY L. KRAUSS	Philadelphia County
WALTER WELCH	Clearfield County
HON. SINGLETON BELL	Clearfield County
H. RANK BICKEL	Lebanon County
W. B. MCCLENACHAN, JR.	Delaware County
GEORGE A. CHASE	Crawford County
WILLIAM H. WEIGLE	Venango County
JOHN L. NESBIT	Venango County
THOMAS S. CRAGO	Greene County
HARWELL B. DUTTON	Delaware County
W. M. HENDERSON	Huntingdon County
PHILIP STERLING	Philadelphia County
HON. GEORGE E. ALTER	Allegheny County
H. K. SIEBENECK	Allegheny County
THOMAS A. MILLER	Allegheny County
JOHN W. THOMAS	Allegheny County
AXTELL J. BYLES	Crawford County

ISADORE STERN	Philadelphia County
GEORGE HAY KAIN	York County
WALTER L. HILL	Lackawanna County
RALPH W. RYMER	Lackawanna County
REESE H. HARRIS	Lackawanna County
W. E. SHAFFER	Clinton County
FRANCIS B. BIDDLE	Philadelphia County
JOHN C. BANE	Allegheny County
CHURCHILL B. MEHARD	Allegheny County
TRUMAN O. ANDREWS	Erie County
JOSEPH M. FORCE	Erie County
FRANK A. BLILEY	Erie County
D. A. SAWDEY	Erie County
L. E. TORRY	Erie County
H. L. MOORE	Erie County
J. M. SHERWIN	Erie County
WILLIAM E. HIRT	Erie County
CLARK OLDS	Erie County
U. P. ROSSITER	Erie County
W. L. SCOTT THOMPSON	Erie County
MONROE ECHOLS	Erie County
E. H. LAMBERTON	Erie County
W. S. CARROLL	Erie County
ISADOR SOBEL	Erie County
CHARLES H. ENGLISH	Erie County
C. ARTHUR BLASS	Erie County
CHARLES A. MERTENS	Erie County
H. BEDFORD DUFF	Erie County
T. MCK. CHIDSEY	Northampton County
WM. S. CLARK	Warren County
J. H. ALEXANDER	Warren County
NEVIN M. WANNER	York County
R. S. TAYLOR	Northampton County
GEO. F. COFFIN	Northampton County

FREDERICK J. SHOYER, Philadelphia: I move that the Report of the Committee on Admissions be received and filed, with leave to the Committee to report such additional names as may be submitted to it before the close of this Annual Meeting.

Duly seconded, and agreed to.

THE PRESIDENT: The Report of the Committee on Grievances is next in order, Mr. Derr, of Berks, Chairman.

THE SECRETARY: Mr. Hopwood and Mr. McGirr are the only two members of the Committee who are present at this meeting. Mr. Simpson is abroad and Mr. Derr is prevented from attending. The report is in print and can be obtained on the table at the door. There is a subject which has been submitted by the Committee for the consideration of the Association, so that probably a motion simply to receive and file the report might be made, and it can then be taken up when it is reached in due course.

REPORT OF COMMITTEE ON GRIEVANCES

To the President and Members of the Pennsylvania Bar Association:

Your Committee on Grievances respectfully reports:

That your Committee has from time to time received complaints concerning members of the Bar made by persons not members of this Association, the complainants in most if not all cases, being laymen and clients of the lawyers complained against.

These complaints did not seem to be within the jurisdiction of your Committee.

The powers of your Committee are defined by Section 33 of the By-Laws, which Section is as follows:

"The Committee on Grievances shall consist of five members. They shall hear all complaints preferred by one member against another for misconduct in his relations to the profession or to this Association, provided the same be in writing, particularly stating the matters complained of, and signed by the complainant. They may also hear any specific complaints made by any member affecting the interest of the profession, the practice of law or the administration of justice; and may report thereon to the Association, with such recommendations as they deem advisable. No report shall be made adversely to

any member until after notice to him, with full opportunity to defend and to meet his accusers and witnesses face to face. The adverse action of this Committee must be approved by a vote of not less than two-thirds of the members present and voting. What occurs at the meetings of this Committee shall be considered confidential except such matters as shall be publicly reported to the Association."

It will be noted that the Committee is *directed* to

"Hear all complaints preferred by one member against another," etc., and

The Committee is *permitted* to

"Hear any specific complaints made by any member affecting the interest of the profession," etc.

The complaints must in all cases be *made by a member*.

Your Committee submits for your consideration, the question as to whether the said Section should be amended so as to empower your Committee to act upon complaints made by others than members.

Respectfully submitted:

F. C. MCGIRR

R. F. HOPWOOD

CYRUS G. DERR, *Chairman*

Alex. Simpson, Jr., Esq., did not join in the above report, his reasons being as stated in a letter addressed to the Chairman of the Grievance Committee, as follows:

"I am not in favor of the Report as drafted. I think the Committee ought to take the responsibility of making a recommendation, and I am strongly in favor of recommending an investigation of all complaints against members of the Association, no matter by whom they are presented, and I am also in favor of making investigation into any specific complaint affecting the practice of law or the administration of justice."

Hon. Harman Yerkes in a letter addressed to the Chairman of the Grievance Committee expressed the following view:

"It does seem to me that the State Bar Association ought to exercise a wider influence than this by-law permits towards correcting abuses which are a scandal to the profession at large."

RODNEY A. MERCUR, Bradford: I move that the Report of the Committee on Grievances be filed, and the consideration thereof be taken up in due order.

Duly seconded, and agreed to.

THE PRESIDENT: The Report of the Committee on Uniform State Laws, Mr. Charles L. McKeehan, of Philadelphia, Chairman.

OWEN J. ROBERTS, Philadelphia: Mr. McKeehan is unable to be present, but has sent his report, and with your permission I will read it.

Mr. Roberts then read the

REPORT OF THE COMMITTEE ON UNIFORM STATE LAWS

To the Members of the Pennsylvania Bar Association:

GENTLEMEN:—The large number of reports of committees that will be submitted to you this year suggests the propriety of brief reports from committees that do not have matters of great importance to bring to your attention.

The proposed "Act relative to wills executed without this State, and to promote uniformity among the States in this respect," is still in the hands of your Committee, and in view of the likelihood, and certainly the desirability, of the appointment of a commission to revise the laws of this Commonwealth relating to decedents' estates, your Com-

mittee suggests that no action be taken at this meeting by the Association on this Act, but that it be brought to the attention of such commission, when appointed.

Last year your Committee reported the passage of "An Act to increase the powers of courts in summary proceedings for desertion or non-support of wives, children, or aged parents, by directing that imprisonment in such cases be at hard labor in such institution as the Court shall name, with the wages payable to the wives, children or parents; providing for the disbursement of moneys collected on forfeitures of bonds, bail bonds, or recognizances; and by empowering such courts to appoint desertion probation officers for the performance of such duties as the courts shall direct; and providing for the payment of the expenses incident to the carrying out of this act."

This Act, which was drafted by a committee consisting for the most part of members of this Association who had studied the Uniform Desertion Act, supplemented the then existing Pennsylvania law on the subject of desertion and non-support. The Act seems to work well, and certainly until it is tested by several years of experience, it would seem to be undesirable to press for the passage of the Uniform Act.

Respectfully submitted,

COMMITTEE ON UNIFORM STATE LAWS,

By CHARLES L. MCKEEHAN,

Chairman.

June 29, 1914.

THE PRESIDENT: Is there any motion with regard to that report? It does not seem to require any action. Next in order are the Reports of Special Committees; and, first, that of the Committee on Contingent Fees.

JOHN B. COLAHAN, JR., Philadelphia: Judge Beitler is not here. I have had the pleasure of appearing for this

Committee several times. There will be no formal report for that Committee, but I would ask the privilege of submitting certain considerations when this report comes up in its regular order for consideration tomorrow.

THE PRESIDENT: Next in order is the report of the Special Committee on Revision and Unification of the Statutes, Mr. Russell Duane, Philadelphia, Chairman.

THE SECRETARY: I have a report from the Chairman of the Special Committee on Revision and Unification of Statutes, accompanied by a letter, and with your permission I will read both the letter and report.

The Secretary then read the following:

PHILADELPHIA, 29 June, 1914.

HON. WILLIAM H. STAAKE,
Secretary of Pennsylvania State Bar Association,
Hotel Lawrence,
Erie, Pennsylvania.

DEAR JUDGE:—I regret that from several causes, including illness in my family, it will be impossible for me to be present in person at the meeting of the Pennsylvania Bar Association at Erie.

I enclose herewith my Report as Chairman of the "Special Committee on Revision and Unification of the Statutes," to which office I was appointed by the President of the Association on December 9, 1913. As you will observe from the tenor of the report, it is more in the nature of a report of progress than of any final conclusions reached, and for that reason I did not deem it necessary to have it printed. As the work of the Legislative Reference Bureau created by the Act of May 20, 1913, is likely to go forward during a period of several years before it is fully completed, it would seem to be desirable to have a committee of our Association continue in existence so as to cooperate with

that Bureau, as we have done during the past year, as indicated in the report; but, of course, this is a matter to be determined either by the President or Secretary of the Association, or by the Association itself at the Annual Meeting about to be held.

Very truly yours,

RUSSELL DUANE.

**REPORT OF THE CHAIRMAN OF THE SPECIAL
COMMITTEE ON REVISION AND UNIFICA-
TION OF THE STATUTES**

*To the President and Members of the Pennsylvania State
Bar Association:*

The Special Committee on Revision and Unification of the Statutes present the following report through their Chairman:

On December 9, 1913, the President of the State Bar Association appointed a Special Committee of five on the Revision and Unification of the Statutes, consisting of the following members of the Association:

RUSSELL DUANE, Philadelphia County, *Chairman*
WILLIAM DRAPER LEWIS, Philadelphia County
WILLIAM W. SMITHERS, Philadelphia County
WILLIAM H. McCLUNG, Allegheny County
JOHN E. FOX, Dauphin County

It being impossible to secure the attendance of the whole Committee because of the residence of two of the members in distant counties, the Chairman called a meeting of the local members at his office, 1617 Land Title Building, Philadelphia, on January 27, 1914, to consider a suggestion made to one of the members of the Committee that in order to avoid duplication of effort it would be well for the Committee to act in concert with the Legislative Reference Bureau at Harrisburg, which by the Act of May 20, 1913, was charged with the following duties:

"SECTION 1. Be it enacted, etc., That the Legislative Reference Bureau is hereby directed to examine the entire general statute law of this Commonwealth; and to ascertain as nearly as may be, what laws and parts of laws have been repealed, or which have become obsolete, and to prepare lists of the same. It shall be the further duty of the bureau to cause to be prepared, for adoption or rejection by the General Assembly, compilations, by topics, of the existing general statutes, arranged by chapters and sections, under suitable headings, with accompanying lists of statutes to be repealed. It shall be the further duty of the bureau to cause to be prepared codes of the existing laws on each of such topics, together with lists of statutes to be repealed, in the event of the adoption by the General Assembly of any of such codes."

By arrangement with the Chairman, Mr. James McKirdy, Assistant Director of the Legislative Reference Bureau, attended the meeting, and an understanding was then reached between the members of the Committee present and Mr. McKirdy that the latter should from time to time, whenever he deemed proper, address questions in writing to the Chairman of the Committee, who should thereupon transmit them to the respective members by mail for the purpose of obtaining the opinion of each member on the questions presented.

The Committee also reached the conclusion that since the Legislative Reference Bureau had been officially charged by the Legislature with the very same duties as our own Committee, it would be inexpedient for the Committee to undertake any parallel line of work apart from the bureau which might conflict therewith or merely parallel the efforts of the bureau. The Committee therefore resolved to confine themselves for the present to co-operation with the bureau in the manner just stated.

The plan entered into between the Committee and Mr. McKirdy has been carried out as above indicated. All questions which have been propounded by Mr. McKirdy relative to the work of the Legislative Reference Bureau have been addressed by him to the Chairman and by the Chairman transmitted by mail to the different members of the Com-

mittee who live in different quarters of the State. Replies received by the Chairman from the different members of the Committee have been either tabulated or forwarded directly to the Legislative Reference Bureau in order to aid the bureau in its work.

Briefly summarized, your Committee have in this manner advised the Legislative Reference Bureau that the bureau should make an effort to cover in the fullest possible manner during the present year the three topics of Borough Law, Corporation Law, and Tax Law; and that under the head of Corporations the bureau should make compilations of the statutes relating at least to the following subjects, viz.: Private Corporations, Railroads, Street Railways, Water Companies, Gas Companies, and Municipal Corporations. It has been the opinion of your Committee, and so stated to the Legislative Reference Bureau, that a thorough compilation of certain limited subjects such as the above, would fulfill a more useful purpose than to attempt prior to the meeting of the next Legislature to cover a broader field in a less thorough manner. It was also suggested that in connection with the above subjects there should be submitted a codification of the law of limited partnerships and partnership associations, so that an entire scheme of limited liability associations might be presented to the next Legislature.

The Association will be glad to know that Mr. McKirdy, speaking for the Legislative Reference Bureau, has expressed great obligation to your Committee for the suggestions which they have made to him, and that he has assured your Committee that the bureau will pay the closest attention to these suggestions and endeavor to carry them out so far as is compatible with the limitations imposed on the bureau by the Legislature.

Respectfully submitted,

RUSSELL DUANE,
Chairman.

THE SECRETARY: I move that the report be received and filed, and the Committee continued.

Duly seconded, and agreed to.

THE PRESIDENT: Next in order is the Report of the Special Committee on Reform in Township Law, Rodney A. Mercur, Bradford, Chairman.

RODNEY A. MERCUR, *Chairman*, Bradford: The Report of the Committee on Reform in Township Law is in print and has been distributed.

REPORT OF SPECIAL COMMITTEE ON REFORM IN TOWNSHIP LAW

To the Members of the Pennsylvania Bar Association:

GENTLEMEN: At the 1911 session of this Association a Special Committee of five was appointed by the Chair to consider the question of reform in township law and report thereon. At the session of 1912 the Committee asked for a continuance of its existence for another year. At the session of 1913 three of the Committee signed a report, which was printed and distributed among the members of the Association. After an interesting discussion, taken part in by lawyers familiar with township laws, the Committee was enlarged to seven and again continued. During this year it has had two sessions at Philadelphia, the first on Tuesday, the 30th of December, 1913, at the time of the winter meeting of the Executive Committee and the Committee on Law Reform; the second on April 28 and 29, 1914.

The report submitted last year recommended the abolishment of the classification of townships. A majority of the Committee, as now constituted, would be unwilling so to recommend. Among subordinate municipalities in this State we have cities, boroughs and townships. This division is a classification. Boroughs have escaped classification, but

cities have not. It is unfortunate that general legislation cannot be drafted which is appropriate for all forms of municipalities of each class. It was long ago thought that some sort of classification of cities was necessary. Now we have the classification of townships. By lawyers of experience we are assured that this classification has been valuable for the purpose of township government. It is a question perhaps whether or not it would not have been simpler to classify boroughs than townships. A class of rural boroughs might have been created out of townships which would have taken care of rural communities perhaps better than the method of maintaining township lines and granting the powers given to townships of the first class. This was the suggestion of a lawyer interested in the subject. Is it too late now to consider this phase?

If necessary, why is classification necessary in municipalities? The Constitution of 1874 provides that the General Assembly shall not pass any local or special laws "regulating the affairs of counties, cities, townships, wards, boroughs or school districts." It is said that densely populated communities have not the same community conditions as the less densely populated. The former are supposed to require a more elaborate system of government. If the Legislature had still the power to regulate by special legislation the affairs of cities, townships and boroughs, each one could have such laws passed as it pleased. Since there can be no special legislation, demand has been made for classification as extensive as the Courts will allow. Even after classification the legislative necessities of cities, or their assumed legislative necessities, are provided for by some general act amending or modifying the law relating to cities, passed for some special purpose which then becomes embodied in the general law relating to the subject matter. But even under classification and under amending and modifying legislation, municipal conditions are not ideal. In the three classes, the owners of suburban property lying within the city limits are

oppressed by the expensive method of administration and the cost of constant improvement. This would likely be worse if it were not for classification.

Look at the Appendix of Trickett's Pennsylvania Law of Townships. There is a list of special acts relating to townships in the several counties of the State covering 200 pages.

A few years' experience has shown that classification in townships has not been entirely satisfactory. The Act to provide for the classification of the townships of the Commonwealth with respect to their population into two classes and to regulate the government of townships of each class was passed at the session of 1899. Since that date many acts have been passed modifying the general township laws both as to first and second class. Most townships have large territorial limits, with here and there within them, village communities. The villages require sewers, streets, pavements, electric lights, etc. The majority of the voters, perhaps, are in the villages and political pressure is brought upon the commissioners or is used in their election. The expense of the improvements may be and is put in part upon the whole township. Farmers whose land lies miles from a sewer, for instance, have to pay. It is argued that the value of their farms is increased. But farmers, if they are real farmers, do not want the price of their land increased. They raise no better or larger crops and they pay higher taxes on the higher valuation. Farmers want good, main thoroughfares, good schools and some boardwalks, but do not want paved streets, sewers or electric lights. On the other hand, under the County Road law and the State Highway law, the farmers are getting their highways improved at the expense, very largely, of the owners of property in the cities, boroughs and villages. There are miles of good county roads which stop at a city line to connect, perhaps, with an ill paved, impossible street. How can these things be equalized? It is not the province of this Committee to

revise the laws of the Commonwealth relating to the assessment of the costs of municipal improvement and regulating the method of making improvements, but, in the narrower limits relating to township laws, your Committee is confronted with these fundamental difficulties and it is unwilling to suggest any laws that will not have some adequate relation to the subject as a whole.

The amending or supplementary laws to which we have referred are often distinctly special—sometimes inconsistent with the general scheme of municipal government. In this State, fortunately, there is but one city of the first class, two of the second class, but also twenty-two of the third class. An amendment rushed through by Scranton may not be wished for or useful to Pittsburgh; or one by Harrisburg may not be applicable to Williamsport or to any of the other cities of the third class. It is not worth while to cite examples of this legislation. We all know the fact. Is it not apparent that as there are so many townships in this State, some of which are of the first class and some of the second class, we will soon be flooded with amendments to meet some special difficulty?

Can some elastic law be drafted that will be applicable to all townships; some law which will permit all townships to do what ought to be done in some way that will be fair to villager and to farmer? What method can be adopted to determine what is to be done? Shall the questions of doing things be answered by a Board of Supervisors subject only to the right of individuals to seek redress in the Courts for individual injury, or by the Board of Supervisors subject to the intervention of the body of electors exercised through its town meeting or otherwise?

Township government is the last refuge of democracy in this State. No one doubts that, if possible, local self-government should be maintained. This wish for self-government is not a mere sentiment. All must appreciate that taking part in government is of value as a means of educa-

tion. As many people as possible, conveniently, should be charged with the responsibility of governing themselves. There is too much government of a kind, too many offices, too many commissions. The legislation of recent years has been taking away the government from the people, and the people have not seemed to see it. There is the widespread theory as to the initiative and the referendum among the people, and yet legislation is restricting the real authority of government to fewer persons, but putting more men on the pay-roll. Cities of the second and third class now have the small council. Pittsburgh's council was reduced from sixty-seven to nine; Scranton's from sixty-two to five; McKeesport's from thirty-three to five, and so on with all the other cities of the third class. The power of controlling the schools has been largely lodged in centralized bodies. Local school boards in cities have been bereft of all authority. Is this for the best? Is the suggestion of political corruption and graft met by reducing the number of persons who are responsible? It is possible that if the same amount of energy was directed to punish the unfaithful and dishonest officials as is directed to devising new methods of government better results might be obtained.

The report of this committee last year included the form of an act for the government of all townships, with a provision that the electors of each township should meet at a convenient place, of which notice should be given; the auditors should show the audit of its accounts for the previous year; one of the members of the Board of Supervisors should state the needs of the township for the coming year and should ask for the approbation or rejection by the electors of the levy of taxes for the coming year; all electors should have the right to vote on the ordinances proposed at the township meetings, and they should be carried only when a majority of electors voted favorably; the Supervisors might refer ordinances to the township meetings, which might be passed or rejected in the same manner; any elector

might propose an ordinance by posting the copy in a certain way. Another section of this draft provided that no ordinance passed by the Supervisors should be effective until ninety days after its passage and within sixty days after its passage by the Supervisors and any ten electors might petition the Supervisors for its repeal, and if not repealed by the Supervisors, the Supervisors might call a special township meeting and the same might be submitted to the electors for rejection or ratification; otherwise the Supervisors should refer the ordinance to the annual township meeting for rejection or ratification. Section 5 of the draft provided that no franchise should be granted or tax levy should be made except at a township meeting by a vote of a majority.

The Committee as now constituted does not approve of these provisions. It is thought by the majority that it would be impossible to get any coherent action by township meeting within the larger townships of this State. One, at least, of our first-class townships has 5000 voters. Others have such a number of voters that it would be impossible ever to get a majority of them together. Even in the smaller townships if a majority ever did get together, how could intelligent, harmonious action be expected? We are committed, it seems, to some form of representative government, but the representative body must be wisely selected, charged with a greater responsibility and held strictly accountable.

On one point it was said in the report last year, "Nothing could be more absurd than the idea of the Quarter Sessions Court controlling township roads. As an example, one township in Pennsylvania has through this method had foisted upon it 191 miles of public roads. The Supervisor of this township declared 'that in reality not more than 50 miles thereof were genuine public roads or thoroughfares for the public. The rest are really private roads for two or three farmers leading into the thoroughfares.'" Under the present law Quarter Sessions Court controls the opening of township roads in townships of the second class. Upon

the petition of a small body of citizens it may lay out and open a road and place upon the township the burden of its maintenance. This should not be. No roads should be opened, as public, in any township except upon the initiative of the Supervisors, either in the Quarter Sessions Court or by some action subject to revision by the Quarter Sessions Court. Then, too, the Supervisors are given no discretion. They are compelled under pains and penalties to keep all roads in good order. They can adopt no system of permanent construction. They must scatter the money over all roads.

In times past, township Supervisors have had no duties except those relating to roads and schools; in the future these duties will undoubtedly widen. Already statutes have been passed imposing upon township officers other duties. How far then should boards of supervisors of the second class townships be given greater powers than they have now? Grant greater powers and these powers will, in many cases, be unwisely exercised; offices will be created, useless expense incurred. As few salaried officers as possible should be authorized. In most cases just as efficient service will be performed by officers without, as with, compensation.

The majority of the Committee is not in favor of any attempt at present to codify township laws. The best system of law is growth. It is impossible to draft a law or series of laws that will meet all the possible contingencies that arise. The growth of law relating to municipal government is necessarily statutory law. There is no common law relating to this subject matter in so far as the method of government, the kinds of officers and their powers and duties are concerned. And growth of this form of law must therefore be a statutory growth. If the required legislation is passed intelligently there is no reason why such a growth should not be effective for the purposes of meeting changing conditions in townships. However, in examining the statutes for the purpose of drafting this report it is found that among the

innumerable amendatory and other statutes relating to townships, passed since the Classification Act of 1899, some are good, some distinctly special, and some absurd. It would be of no use to incorporate in this report any synopsis of them all, we wish only to call to your attention some of the features of the legislation that should be considered.

The Classification Act was approved April 28, 1899 (P. L. 104), and provided that those townships having a population of at least 300 to the square mile, as shown by the United States census, should be townships of the first class. This meant that no townships of the first class should be created except every ten years. An act was passed May 11, 1901 (P. L. 160), which provided that the County Commissioners upon petition, "at any time not less than two years before the time fixed for taking a decennial census of the United States," after ascertaining the population of the township, might designate the townships, if any, which since the last preceding proclamation should be said to come within the conditions of the Act, to be townships of the first class. This seemed to be a wise amendment. Then followed the Act of April 1, 1905 (P. L. 97), which reduced the requirement as to population from 300 to the square mile to 250 to the square mile. And then, by the Act of May 29, 1907 (P. L. 306), the requirement was again made 300 to the square mile. Is it not clear that if there was a reason for fixing the population at 300 to the square mile special legislation reducing it to 250 should not have been passed? It may be that it let some township in and did no harm, but such a system of legislation, without consistency, is wrong.

Many acts have been passed on the subject of the rights of the Commissioners of townships of the first class to lay out and maintain roads. It is impossible almost to tell what their powers are, and whether or not there is now any jurisdiction in the Quarter Sessions Court to lay out roads in townships of the first class.

On May 24, 1899 (P. L. 164), an act was passed authorizing Township Supervisors and Road Commissioners to enter into a contract with one or more taxpayers to remove and take away the loose stones from the main traveled highways in such township, at least once each month, during the months of April, May, June, July, August, September and October of each year. Does anybody believe that such an act was necessary? The Act of May 24, 1901 (P. L. 298), amended clause first of Section 7 of the Act of 1899, requiring the Commissioners of first-class townships to enter into contracts under the direction of the Quarter Sessions Court with petitioning taxpayers to furnish material and labor for opening, making and repairing highways and bridges. The Act of June 7, 1901 (P. L. 510), authorized the Commissioners of townships of the first class to lay out, widen, open, and vacate streets and highways within their townships at the expense of the township or the properties benefited. The Act of July 2, 1901 (P. L. 607), provides for the reviewing by the Court of Common Pleas of the proceedings of Township Road Commissioners in laying out, opening and vacating roads. The Act of July 10, 1901 (P. L. 63), provides for joint contracts between boroughs and first-class townships to pave boundary streets. The Act of July 2, 1901 (P. L. 611), provides for a fine of \$10.00 upon the Supervisors or Road Commissioners if they do not make the contract to remove the loose stones under the Act of May 24, 1899.

Can there be any good reason for all these acts at one session?

The Act of April 3, 1903 (P. L. 137), provides for the widening of roads connecting a city with a city or with a borough or a borough with a borough, and the assessment of costs upon city or borough in such proportion as may seem equitable. This is a useful act.

An Act of April 12, 1905 (P. L. 142), provides for the election and appointment of Road Supervisors in townships

of the second class, defining their duties, etc. It covers six pages of the book. An Act of June 14, 1911 (P. L. 942), relates to roads, providing for the election and appointment of Township Supervisors in townships of the second class, defining their duties, etc. It covers eight pages of the book. Then, on the twenty-second day of July, 1913 (P. L. 915), an act was passed relating to roads, providing for the supervision, construction and maintenance, and repair of township roads, relating to road tax, and providing penalties for the violation thereof. It covers thirteen pages of the book. Under the Act of 1913 practically all power as to all roads in townships of the second class is taken from the Supervisors and given to the State Highway Department.

We think that the Act of June 22, 1913 (P. L. 915), should be repealed in its entirety so far as it affects either second or first-class townships. The Committee is strongly of the opinion that the custom that has prevailed from the foundation of Pennsylvania, that local communities should control their local roads, should still be allowed to prevail, subject, however, to some engineering standard to be designated by law, so that roads may be of uniform width and as nearly as possible of uniform construction. The Committee is of the opinion that an act similar to that of June 7, 1901 (P. L. 510), which gives the power to open or close roads by petition of the Township Commissioners, be extended to townships of the second class, giving that power to the Board of Supervisors. The Committee is inclined to believe that the jurisdiction of the Quarter Sessions Court to open roads upon petition of citizens should be rescinded. There is adequate provision in the statutes of this State for private roads, and there is no reason why a private road should be maintained at the public expense. This, of course, is a matter of extreme importance, and the suggestion of the Committee should not be adopted without most careful consideration.

The Act of 1899 provides that the Commissioners of townships of the first class "shall have particularly the fol-

lowing powers:” “3rd. To establish a system of sewers and drainage, and to require connection to be made with such sewers when necessary for the public health, and to provide for the cost of the construction, maintenance and repair of such sewers, in whole or in part, by an equitable assessment on the properties benefited thereby, in such manner as may be prescribed by ordinance, for which assessments municipal liens may be filed in the Court of Common Pleas of the proper county, on which proceedings shall be had as provided by existing laws. And the board shall also have power to enter into contracts with any adjoining municipality, and also with any person or corporation, for the carrying off of the sewage from the limits of the township.”

The Act of February 23, 1905 (P. L. 22), was “an act to provide for charging the cost of construction of sewers and drains, heretofore or hereafter constructed, in townships of the first class, against properties accommodated or benefited thereby; authorizing the Township Commissioners to create sewer districts, to apportion the cost of sewer construction among the same, and to prescribe the manner in which the charges shall be assessed on properties, and municipal liens filed for the same, or to assess an annual tax for payment of such cost.”

Section 3 of that act provided that “The charge for sewer construction in any township of the first class may be assessed upon the properties accommodated or benefited, in either of the following methods, as the Board of Township Commissioners may determine.”

The act then provided that “In all cases where the second method of assessment is adopted, that is an assessment according to benefits, the Board of Township Commissioners shall appoint three disinterested citizens, * * * as viewers” and that these three viewers make a report, and that after notice and hearing of objections it shall be presented to a stated meeting of the Board of Commissioners, who shall by ordinance confirm the same or refer it back to the viewers.

There are then provisions for the filing of municipal liens. Whatever method was adopted, whether the Commissioners by ordinance made the assessment according to the frontage or it was made by the viewers, there was no appeal, no method of obtaining any redress. In paragraph 2 of Section 3 it is seen that the method suggested was the watershed method declared unconstitutional by the Supreme Court many years ago. This act was, however, approved by the Supreme Court in the case of *Anderson vs. Lower Merion Township*, 217 Pa. St. 369. An examination of this case shows that after a bond issue the Township Commissioners had intended that the sewer system in this township should be paid for by a system of collection, which evidently was to be applied upon the bonds. It was soon discovered that the collections would not pay the interest on the bond issue, and would never pay the principal. It became necessary then to make an assessment. The act was passed for that purpose. It may not have been unjustly used in the particular case for which it was passed, but it is now being used in other townships of the first class over the State. This act is contrary to all our ideas of giving some method of redress to the individual as against the power of the municipality in imposing upon him municipal charges.

But this act was followed by two acts, both passed on the twenty-third day of May, 1913 (P. L. 348 and 353).

The first act reads: "That from and after the passage of this act, every township of the first class of this Commonwealth shall have power to lay out, establish or reestablish grades, of streets or alleys, or parts thereof, and to construct bridges, piers and abutments therefor, and sewers and drains, in any street or alley, or through or on or over private property."

"Every township of the first class shall also have power, upon the petition of a majority of property owners in interest, based upon the number of feet fronting and abutting on the line of the proposed improvement, to be verified by affi-

davit of one or more parties to said petition, to grade, pave, curb, macadamize, or otherwise improve, any public street or public alley, or part thereof, within its corporate limits, or which may be, in whole or in part, boundaries thereof."

"Such township of the first class is hereby authorized to ascertain, levy and collect the costs, damages and expenses of the sewer or grading, paving, curbing, macadamizing, or other improvement, of each street or alley in the manner following:"

The first clause, it is seen, gives to every township of the first class power to lay out, etc., streets and sewers. The second clause provides that every township of the first class has the power, upon petition, to grade, pave and curb, etc., but says nothing about sewers. The third clause provides for the method of ascertaining the damages and expenses for the sewer, etc., or other improvement. What can be said of such legislation? In justification of the draftsmen of this act it might be said that the paragraphs that we have quoted are almost an exact copy of Section 8 of the Act of May 16, 1891 (P. L. 75). As against that, every municipality ought to have power to lay out sewers without petition. There is a radical distinction between the construction of a sewer and the paving of a street, but the distinction ought to be made in the act. It ought not to be a mere implication. This act, we think, carries with it, however, the right principle, provides for the appointment of viewers to make assessment upon the property benefited according to the benefits, provides for the filing of exceptions and appeals.

The second act empowers townships of the first class to lay sewers in and under county and State highways, and provides for the assessment, levy and collection of the costs and expenses thereof. But there is nothing in it which shows whether it shall be upon the petition or merely upon the initiative of the Commissioners. The manner of ascertaining damages is that "provided by law for the ascertainment, levy and collection thereof, where sewers are laid in the

highways of said township." The Commissioners should, of course, have the right to construct sewers without petition. This act was necessary in view of Section 19 of the Act of 11 May, 1911 (P. L. 244), practically taking away from Supervisors any care and control over the roads which had been approved by the county. Does this first act repeal the Act of 1905 or may townships of the first class use either method that they see fit? It does not seem right that this should be so. Should not this legislation be made consistent?

The Act of April 15, 1903 (P. L. 199), and the Act of April 23, 1903 (P. L. 267), are absolutely inconsistent acts. In the first a vacancy in the office of township commissioner or township treasurer is filled by the Court of Quarter Sessions of the county wherein the township is situated on petition of twenty or more qualified voters after notice. By the second the township Commissioners have the power to fill a vacancy in the Board of Commissioners or of the Township Treasurer. These acts were passed eight days apart and one or the other should be repealed. It would seem that it is better for the interests of townships that the majority of the Commissioners, representing the majority of the people, should fill the vacancy for the unexpired term rather than that there should be a contest in Court for the appointment.

A strange piece of legislation is seen in the Act of May 12, 1913 (P. L. 306). This act amends the Act of June 3, 1911, which was an amendment to the Act of 1899, increasing the amount of expenditure from one hundred to five hundred dollars in the following language: "Section 4. That from and after the passage of this act, all contracts or purchases made by any township of the first class, involving the expenditure of over five hundred dollars, shall be in writing, and shall not be made except with the lowest and best bidder, after due notice by the secretary, published once a week for three weeks in one or more newspapers of the county in which such township shall be situated: *Provided, That this section shall not apply to the operation or use, by any town-*

ship of the first class, of its own tools, implements, crushers, or other adequate machinery, necessary for repairing public highways."

The widest stretch of the imagination cannot reach any idea of what this proviso means. It might be supposed that it must have been tacked on to the wrong act; but there does not appear to be any act of this session, at least passed at this session, to which this proviso might apply. It does not do any harm where it is and perhaps it should be maintained as an absurdity of legislation, but we suggest that this act be amended.

The Act of April 27, 1909 (P. L. 198), has created for townships of the first class a condition with which it is almost impossible for the township to comply. The act provides that the Board of Commissioners shall, within sixty days after its organization in each year (January 1st being the date of organization) make up a budget and a general appropriation, based on the estimated revenue from taxation of the current year, and that they shall fix the tax rate in accordance with the appropriation, estimate not to exceed revenue available. The trouble with this act is that under the laws governing the assessment for taxation of real estate, and practically all assessments by the County Commissioners of the several counties, it is impossible to get a tax duplicate before the month of May or June, and the Commissioners are required to levy entirely by guesswork as to the funds available for that year.

Under the Act of April 23, 1903 (P. L. 292), the return of the assessors for the triennial assessment is not due until the twenty-first day of December of the year preceding the assessment, and after that, according to the Act of April 15, 1834 (P. L. 509), the County Commissioners apparently have until the second Monday of April in which to send forth the assessments to the taxpayers, and then there is the usual time for appeal. The Committee suggests that if possible

the time for assessments be changed so that they would have to be made earlier during the preceding year, and all appeals be over prior to the 1st of January. The Commissioners of the first-class townships could make up their budgets and levy their tax rates with absolute knowledge of the amount of income to be expected, and they would also be able to collect their taxes earlier in the year. From a practical standpoint every township of the first class has to run nine months of its fiscal year without the receipt of its taxes, and in order to pay its current expenses, it becomes necessary to borrow. The Committee suggests the serious consideration of this question. If the attempt to change the time of assessments throughout the townships of Pennsylvania would cause trouble by upsetting long established customs, then the act should be amended so that the Commissioners would not be required to make their general appropriations until they know how much money they will receive. As it is at present, the former laws concerning the assessment and levying of taxes are wholly unsuited to the laws governing townships of the first class, and have burdened the Commissioners with a duty with which it is almost impossible for them to comply.

The Committee suggests that, in order to expedite the administration of police matters in townships of the first class and to aid in enforcing the ordinances thereof, the president of the Board of Commissioners be given the police powers of a Burgess of a borough, which are, according to the Act of May 19, 1887 (P. L. 133), that the Burgess shall have the criminal jurisdiction of the Justice of the Peace in enforcing local ordinances and the collection of fines and penalties and the sentencing of vagrants and other violators of the law.

We recommend the repeal of the Act of 22d June, 1913 (P. L. 915), which practically gives the control of township roads to the State Highway Department.

We recommend the passage of an act similar to the Act of 7th June, 1901 (P. L. 510), giving to townships of the second class the right to open, lay out, widen and vacate streets, etc.

We recommend some modification of the sewer legislation relating to townships under the Act of February 23, 1905 (P. L. 22), and the two acts passed in 1913.

We recommend the repeal of the Act of 15th April, 1903 (P. L. 199), authorizing the Court of Quarter Sessions to fill any vacancy in the office of Township Commissioner or Township Treasurer.

We recommend the amendment of the Act of 12th May, 1913 (P. L. 306), striking out the proviso.

We recommend some amelioration of the conditions created by the Act of 27th April, 1909 (P. L. 189).

What, then, is the meaning of this somewhat long report? It is this, that we are not now prepared to recommend any sort of a codification of township laws. A Judge of the Superior Court recently, when this subject was mentioned to him, besought his hearer earnestly not to attempt any codification of these laws. We do wish, if it can be without taking too much time, a discussion of this report even if it should not be at a general meeting of the Association, but at a meeting of those lawyers particularly interested in township laws. We have recommended the repealing of certain acts and the drafting of certain others. None of these acts have we prepared, as it would seem to be an easy enough matter to take them up and draft them afterwards if this were approved by the Association. We strongly recommend as a Committee that either this Committee or some other should be appointed with power to represent this Association at the next session of the Legislature to see that the recommendations of this Association are enacted into the

form of law, and particularly to see that no legislation relating to townships shall be passed without the most critical examination of its meaning and its purpose.

Respectfully submitted,

RODNEY A. MERCUR,

Chairman.

E. E. KIERNAN,

EDWIN W. SMITH,

CHARLES F. D'ACOSTA,

ROWLAND EVANS,

HENRY A. JAMES,

WM. M. HAYES.

FRANCIS J. O'CONNOR, Cambria: I move that the Report of the Special Committee on Reform in Township Law be received and filed, and its consideration taken up in its regular order.

Duly seconded, and agreed to.

THE PRESIDENT: The next report is that of the Special Committee on Revision and Amendment of the Penal Laws, Edwin M. Abbott, Philadelphia, Chairman.

EDWIN M. ABBOTT, *Chairman*, Philadelphia, then read the

REPORT OF SPECIAL COMMITTEE ON REVISION AND AMENDMENT OF PENAL LAWS

To the President and Members of the Pennsylvania Bar Association:

GENTLEMEN:—In 1912 a Special Committee of seven members was appointed to consider the revision and amendment of the Penal Laws of the State so as to provide for

the employment and compensation of the inmates of all penal institutions, and to devise a system for utilizing the results of their labors.

Your Committee at that time took up the work with the result that the Legislature of 1913 passed a bill creating a Commission of seven members to whom were to be subjected the serious questions involved. At the meeting held in Cape May last summer your Committee reported that that bill was then before the Legislature, and within two weeks after our adjournment the bill was passed finally and the Governor signed it.

Owing to the necessity of cutting down the appropriation for the work of such a Commission, the Governor deferred the appointment of the members of the Commission until June 17, 1914, on which date the Chairman of your Committee was selected as President of the Commission, together with six other members, none of whom, however, are members of either the Committee appointed by this Association or members of this Association.

Your Committee, however, has considered the question from its many aspects and will work in conjunction with the Commission appointed by the Governor during the coming year. We would recommend that the inmates of all penal institutions should be given steady employment; that they should be paid a fair wage for their employment; that none of the goods made or raised by means of this employment should ever find their way into the open market; that all of the goods made or the products raised should be used in the penal and charitable institutions of the State; that the income which all prisoners should receive as a result of their labors should be distributed (a) towards the cost of conviction; (b) towards the cost of maintenance; (c) towards restitution; (d) towards the support of dependents, and (e) towards accumulating a fund to be used by the prisoner when discharged upon parole or discharged finally at the expiration of sentence.

The various vocations to be followed must necessarily be selected by the officials directly in charge and best qualified to know the various kinds of employment each individual is best adapted to take up. This is a matter that can better be considered by the Commission.

All the details of this system must be worked out later, and your Committee therefore respectfully requests that they be continued during the coming year, and that they further be empowered to act in conjunction with the Commission appointed by the Governor, and to further assist in the enactment of other legislation by the Legislature of 1915, as would procure the establishment of such a system of penal labor.

Respectfully submitted,

EDWIN M. ABBOTT,
Chairman.

THE PRESIDENT: There seems to be no motion as to that report. The next report is that of the Special Committee on Return Days in Appellate Courts.

THE SECRETARY: I have a statement from the newly-appointed Chairman of that Committee, Mr. Stevens Heckscher, of Philadelphia, who was a member of the Committee and appointed by the President to take the place of Mr. Samuel Dickson, the Chairman, who had requested to be relieved from the duties of the position of Chairman. Mr. Heckscher said that he was sorry, but that since his appointment he had been so much occupied that he could not prepare a report for the Association, and the Committee therefore simply requests that it be continued, and I take it that the new Chairman will take hold of the subject vigorously.

THE PRESIDENT: That is entirely true. It is not Mr. Heckscher's fault, because the former Chairman did not

signify his inability to act until it was so late that nothing could be done. If there is no objection the Committee will be continued.

The next report is that of the delegates to the American Bar Association.

EDWIN M. ABBOTT, *Chairman*, Philadelphia, then read the

REPORT OF THE DELEGATES TO THE AMERICAN BAR ASSOCIATION

To the President and Members of the Pennsylvania Bar Association:

GENTLEMEN:—Your delegates to the American Bar Association meeting, held at Montreal, Canada, during the first week of September, 1913, have requested me to submit to you a report upon what was undoubtedly the most interesting and brilliant gathering of judges and lawyers ever held in the new world. Not only were most of the leading members of the Bar of every State in this great nation present, but it was an occasion wherein many celebrated barristers met in concourse such as may never be repeated.

To have present at one meeting the Rt. Hon. Richard Burdon Haldane, Lord High Chancellor of Great Britain, the Hon. Douglas White, Chief Justice of the United States Supreme Court; Maitre Fernand Labori, leader of the great French Bar; the Hon. Charles J. Doherty, Minister of Justice and Attorney-General of Canada; the Hon. William H. Taft, former President of the United States; the Hon. Joseph H. Choate, former Ambassador to Great Britain, was in itself a matter of supreme moment, but to have them all address us either in the reading of some most interesting paper or to respond to some most pertinent national question by way of a toast, combined to make the event epochal.

During the week not only was the Thirty-sixth Annual Meeting of the American Bar Association continued, but other allied bodies also held their conclaves. There was the Sixth Annual Meeting of the Comparative Law Bureau; the Thirteenth Annual Meeting of the Association of American Law Schools; the Twenty-second Annual Conference of the Commissioners on Uniform State Laws, and the Fifth Annual Meeting of the American Institute of Criminal Law and Criminology. All of the proceedings of each of the above meetings, with a full account and details of the addresses made, papers read and reports of committees, with the discussions thereon, will be found in Vol. XXXVIII, Reports of the American Bar Association for 1913. It is impossible to bring these matters in detail before the members of this Association, but they will all be found of supreme importance if read at one's leisure.

The first meeting of the American Bar Association convened in the Royal Victoria College. The Rt. Hon. Robert L. Borden, Prime Minister of Canada, greeted the visitors. We were then addressed by President Frank B. Kellogg, who reviewed the recent enactments of Congress and the legislatures of the various States, touching upon the alien land laws of California and other western States. He concluded with a dissertation upon "The Treaty-making Power" and a history of international alliances from the foundation of this Government. The most interesting portion of his address related to the treaty-making power as interpreted by the Supreme Court of the United States, and great enthusiasm prevailed when he concluded with the remark "With the growth of government, the uplifting of physical and social conditions, law has been keeping pace with the march of progress. * * * It is all-pervading and ever-present. Without it there is no government, no social order, no home. Its administration is the highest and noblest duty of man to his fellows. Its purity and

stability are necessary to the peace, happiness and prosperity of peoples. Its corruption is the destruction of the State and of the nation."

Pennsylvania has great reason to feel proud not only of the exceptionally large delegation which represented this body, but also of the important part which its representatives took in all of the important transactions. Our President, Hampton L. Carson, responded on behalf of the American Bar to the Lord High Chancellor in a message of thanks for his kindness in coming across the ocean to meet with us. Lucien H. Alexander addressed the Lord High Chancellor on behalf of the Association and extended to him honorary membership. At other important discussions and meetings William H. Staake, William W. Smithers, Walter George Smith, William U. Hensel, William Draper Lewis and others, were found upholding one side or another to the great credit of the Pennsylvania Bar Association.

Pennsylvania was represented by over eighty of its members and was only outnumbered by the State of New York. Among the many papers read, or addresses made, those compelling mention at this time were the ones on "Higher Nationality," delivered by the Lord High Chancellor, and "The Selection and Tenure of Judges," by former President Taft.

We were all royally entertained by the Montreal Bar and it was especially gratifying to again meet our old friend, Robert Cooper Smith, K. C., who so eloquently addressed us at Cape May last year. Together with many others, he was elected to honorary membership before adjournment.

Maitre Labori responded to a toast at the banquet, having been incapacitated from attending our other sessions through a painful injury which he received on his way to Montreal.

Other papers were "Some Causes," by Hon. William C. Hook, Judge of the United States Circuit Court of Appeals; "Legal Procedure and Social Unrest," by Hon. N. Charles Burke, Judge of the Court of Appeals of Maryland; "The Goal and Its Attainment," by Hon. William A. Blount, of Florida; "More Complete Inquiry Into the Moral Character of Applicants for Admission to the Bar," by Prof. Charles A. Lightner; "The Social Importance of Proper Standards for Admission to the Bar," by Hon. William H. Taft; "Law Schools and Bar Examinations," by Ezra R. Thayer; "Procedure at the Trial of Patent Causes in Great Britain," by A. J. Walters, K. C.; "Letters Patent in Relation to Modern Industrial Conditions," by Frederick P. Fish; "Address of Chairman," by Walter George Smith, of Pennsylvania; "The Control Exercised by the Inns of Court Over Admission to the Bar in England," by Wilfrid Bovey, of the Inner Temple, Montreal. The annual address by Governor Simeon E. Baldwin, of Connecticut; the President's address to the Commissioners on Uniform State Laws, by Charles T. Terry; the annual address of Hon. Quincy A. Myers, President of the American Institute; "Advance of the Indeterminate Sentence and Parole System," by Edwin M. Abbott, of Pennsylvania; "Insanity and Criminal Responsibility," by Prof. R. Keedy, Northwestern University Law School.

The members of this Association elected or chosen for positions for the present year were as follows: Vice-president, Hampton L. Carson; Executive Committee, William H. Staake; General Council, William U. Hensel; Secretary of Comparative Law Bureau, William W. Smithers; Assistant Secretary, Robert P. Shick; Local Council for Pennsylvania, John Barry Colahan, Jr., J. McF. Carpenter, William Nevin Appel and Edwin M. Abbott; Manager of Comparative Law Bureau, William Draper Lewis; Committee on Commercial Law, W. U. Hensel; Committee on Law Reporting and Digesting, Francis Fisher Kane; Committee

on Insurance Law, Rodney A. Mercur; Committee on Uniform State Laws, Walter George Smith; Committee on Publicity, Francis Fisher Kane; Chairman of Committee on Membership, Lucien H. Alexander; Committee to Oppose Judicial Recall, Rodney A. Mercur; Committee on Compensation to Federal Judiciary, William A. Glasgow, Jr.; Committee on Drafting of Legislation, William Draper Lewis; Committee on Reorganization, Francis Rawle; Committee on Indeterminate Sentence and Parole, Edwin M. Abbott, Chairman, Robert Ralston, Edward Lindsey, Samuel W. Salus; Committee on Employment and Compensation of Prisoners, Edwin M. Abbott, Chairman, Robert Ralston; Executive Board of the American Institute of Criminal Law and Criminology, Edwin M. Abbott, Prof. William E. Mikell; Executive Committee of the American Law Schools, William Draper Lewis; Chairman of the Executive Committee of the Commissioners on Uniform State Laws, William H. Staake.

On the evening of September 3d the annual dinner was held at the Windsor Hotel. Hon. Joseph H. Choate, of New York, acted as toastmaster, and despite the many years of glorious service in the interests of his country, his witticisms and brilliant remarks were fully appreciated by the nearly 700 members and guests present.

This year a new departure will be taken by the American Bar Association and the other institutions allied with it. The annual meeting will be held in the City of Washington, commencing on Tuesday, October 20th, and will be for the usual three days.

The close proximity of the meeting place to this State should find our Bar better represented than at any previous meeting, and as men of national eminence and importance will participate, it is hoped that the satisfactory delegations at past assemblies will be surpassed at the coming meetings.

Respectfully submitted,

EDWIN M. ABBOTT,
For the Delegates and Alternates.

THE SECRETARY: I hold in my hand a list of 657 applicants for admission into the American Bar Association which have been sent to me as a member of the Executive Committee of that Association for my vote to their admission into the Association; and I would also say that I have been authorized in a double capacity, both as a member of the Executive Committee and also as the Chairman of the Committee on Attendance, having been recently appointed to that position, to present to the membership of the Pennsylvania Bar Association the importance of our having a good representation at the next meeting in October. It is a new departure to have a meeting in October. You will remember that the meeting last year in September was regarded as a sort of Anglo-Franco meeting. This year it is intended to have a thoroughly American meeting, that is, British America will be represented by Sir Charles Fitzpatrick, Chief Justice of the Dominion of Canada, the United States will be represented by Senator Root, who will be the honorary speaker, and then Ambassador Romulo T. Naon, from the Argentine Republic, the gentleman who is now one of the "mediators" in connection with the Mexican controversies at Niagara Falls, is to represent South America; but the thought is to make it a thoroughly American meeting. And as it was desired to have the Chief Justice and Justices of the Supreme Court of the United States take some part in connection with the ceremonies of the occasion, it became necessary to depart from the usual month of meeting, September, and to meet later, in October; and an appeal is being made on behalf of the American Bar Association to the Judges of the various Courts to try and arrange their business during that week so as to permit the attendance of the members of the Association at the Washington meeting. I may say that when they first thought of meeting at Washington, I had considerable doubt personally as to whether the meeting would be a success; but from the number of responses already received from the membership of the American Bar

Association, I have now not the slightest doubt at all but that it will be an eminently successful and enthusiastic meeting.

THE PRESIDENT: The next report is that of Delegates to the Comparative Law Bureau.

THE SECRETARY: I have received no report from that Committee. I would suggest, however, that, considering the character of the membership, the delegates to the Comparative Law Bureau be permitted to hand in a report later, if they so desire, which can be incorporated into the Annual Report.

RODNEY A. MERCUR, Bradford: I so move.

Duly seconded, and agreed to.

WILLIAM U. HENSEL, Lancaster: I move that a Committee of seven be appointed to take up the question of nominations for all offices other than President of the Association, and to report at the Thursday afternoon session of this meeting—the Committee to be appointed by the Chair.

Duly seconded, and agreed to.

THE PRESIDENT: I will announce the names of the members of the Committee later.

Does the Association desire to go into the consideration of the reports of committees? If not, a motion to adjourn is in order.

JOHN B. COLAHAN, JR., Philadelphia: I move that we now adjourn.

Duly seconded, and agreed to.

Adjourned.

FIRST DAY, EVENING SESSION

TUESDAY, *June 30, 1914.*

The Association reconvened at 8 o'clock p. m., President CARSON in the chair.

THE PRESIDENT: I am here tonight, not to introduce but simply to present the speaker, who requires no introduction. A Pittsburgh man by birth, a Philadelphian by education, a New Yorker by residence, and the head of the Department of Justice of the United States, I have great pleasure in presenting the Hon. George W. Wickersham.

(For Annual Address on "Government by Administrative Commission," by Hon. George W. Wickersham, see Appendix.)

WILLIAM H. STAAKE, Philadelphia: I would move, sir, that the thanks of the Pennsylvania Bar Association be tendered to the speaker of the evening for his able, comprehensive and most instructive presentation; and I also move that he be elected an honorary member of the Pennsylvania Bar Association.

Duly seconded, and agreed to.

THE PRESIDENT: Mr. Wickersham, you are now one of us.

GEORGE W. WICKERSHAM: I appreciate the honor, and accept with pleasure.

THE PRESIDENT: If there is no further business, a motion to adjourn is in order.

HAROLD M. MCCLURE, Union: I move that we adjourn.

Duly seconded, and agreed to.

Adjourned.

SECOND DAY, MORNING SESSIONWEDNESDAY, *July 1, 1914.*

The Association was called to order at 10 o'clock a. m., President CARSON in the chair.

THE PRESIDENT: The Association will please come to order. I announce the following appointments to the Committee on Nomination:

WILLIAM U. HENSEL, Lancaster, *Chairman*
RODNEY A. MERCUR, Bradford
EDWIN M. SMITH, Allegheny
CHARLES M. CLEMENT, Northumberland
GEORGE R. BEDFORD, Luzerne
HAROLD M. McCLURE, Union
GEORGE WENTWORTH CARR, Philadelphia

The Chair is going to ask that each gentleman as he rises to speak will announce his name and his county; that being not for the information of the President, but so that the stenographer can get on his notes without having to interrogate either the Secretary or the President, the names of those participating in debate. Gentlemen will kindly, then, as they rise, announce their name and their county. It will considerably aid the keeping of our minutes.

The first report to be discussed is that of the Committee on Law Reform, Hon. W. U. Hensel, Lancaster, Chairman.

WILLIAM U. HENSEL, *Chairman*, Lancaster: The Committee ask the members to note a verbal correction in the proposed Act relating to the revival of the lien of judgments. In the third line of Section 1 strike out the words "shall continue and commence" and insert the words "is to run, shall begin."

That statute as corrected is recommended by the Committee, and I am now instructed by the Committee to move

that the Association approve that Act and that its passage be recommended to the next Legislature.

Duly seconded.

THE PRESIDENT: Gentlemen, the motion is open for debate. If there is no debate all those who are in favor of the motion to amend by striking out the words "shall continue and commence" and insert the words "is to run, shall begin" in the third line of Section 1, will say aye.

The question being as stated by the Chair, it was agreed to.

THE PRESIDENT: Are you ready for the question now to approve the Act and recommend it to the next Legislature?

The question being as stated by the Chair, it was agreed to.

The proposed Act as adopted is as follows:

"AN ACT

RELATING TO THE REVIVAL OF THE LIEN OF A JUDGMENT AND PROVIDING THAT POSSESSION BY A TERRE TENANT OF THE LAND BOUND BY THE LIEN OF A JUDGMENT, WHOSE DEED IS NOT ON RECORD, SHALL NOT MAKE NECESSARY NOTICE TO SUCH TERRE TENANT.

"SECTION 1. Be it enacted, etc., That hereafter in reviving the lien of a judgment, the period of five years during which the lien of said judgment is to run, shall begin to run in favor of a *terre tenant* from the time the deed of such *terre tenant* is placed on record, and not otherwise, and possession of the land by a *terre tenant* whose deed has not been placed on record shall not make notice to such *terre tenant*, by a *scire facias* or otherwise, necessary for the purpose of binding the interest of such *terre tenant* in the land.

"SECTION 2. All Acts or parts of Acts inconsistent herewith be and the same are hereby repealed."

WILLIAM U. HENSEL, *Chairman*, Lancaster: In our report the members of the Association will find an Act

which was recommended to the last Legislature and passed by it, but it met with the disapproval of the Executive. The Act has reference to the subject of admission to the Bar, and is as follows:

"AN ACT

PROVIDING WHAT EFFECT SHALL BE GIVEN TO ADMISSION TO PRACTICE IN THE SUPREME COURT, WHEN THE PERSON SO ADMITTED APPLIES FOR ADMISSION TO PRACTICE IN THE OTHER COURTS OF THIS COMMONWEALTH.

"SECTION 1. Be it enacted, etc., That from after the passage of this Act, admission now had or that hereafter may be had to practice as an attorney-at-law in the Supreme Court of this Commonwealth shall be conclusive proof that the person so admitted is possessed of sufficient learning and ability to practice in any other Court of this Commonwealth, but shall have no other or further effect in determining whether or not he shall be admitted to practice in such other Courts.

"SECTION 2. All Acts or parts of Acts inconsistent herewith are hereby repealed."

The subject of admission to the Bar has been practically regulated by the most of the Courts of the Commonwealth, and probably will be; and therefore the Committee did not consider it necessary to recommend any change in that proposed Act, but thinks it desirable that the Association approve the re-enactment of this legislation. The matter was thoroughly discussed at our meeting two years ago, and the proposed Act met with unanimous approval by the Association. For reasons, however, stated by the Governor, it did not meet with his approval. The Committee is of the same mind as it was before—that the local Courts should, as far as possible, be allowed to regulate the admission of members to their Bar, and therefore I move the re-enactment of this measure by the Legislature.

Duly seconded, and agreed to.

WILLIAM U. HENSEL, *Chairman*, Lancaster: The next Act recommended by the Committee simply failed of pas-

sage because of inaction on the part of the Legislature. That Act, substantially as drawn, has been approved by the American Bar Association, and has been enacted by the Legislatures of many of our States. It is in the direction of satisfying a well-grounded popular demand for no miscarriage of justice by reason of immaterial error. The Act was thoroughly discussed at our last meeting, and I think unanimously approved, and the Committee recommend that it be approved and be presented for passage to the next General Assembly.

A. M. IMBRIE, Allegheny: May I inquire whether this is to include decrees in equity?

WILLIAM U. HENSEL, *Chairman*, Lancaster: I do not think it would, unless such words are added.

A. M. IMBRIE, Allegheny: It seems to me that, if we are going to get rid of technicalities, we ought to make the Act apply to suits in equity as well as actions at law.

WILLIAM U. HENSEL, *Chairman*, Lancaster: If the gentleman will move to amend by inserting the proper words in the body of the bill, the Committee will accept the amendment.

A. M. IMBRIE, Allegheny: I move that the Act be amended by the insertion of the words "or decree" both in the title and in the body of the Act.

WILLIAM U. HENSEL, *Chairman*, Lancaster: The Committee will accept that amendment. I think that covers the point.

The question being on the amendment, it was agreed to.

The question being on the adoption of the Act as amended, and its recommendation to the Legislature, it was agreed to.

The Act as amended reads as follows:

" AN ACT

PROVIDING THAT NO JUDGMENT OR DECREE SHALL BE SET ASIDE OR REVERSED OR NEW TRIAL GRANTED, UNLESS THE ERROR COMPLAINED OF HAS INJURIOUSLY AFFECTED THE SUBSTANTIAL RIGHTS OF THE PARTIES.

"SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same: That no judgment or decree shall be set aside or reversed or new trial granted by any Court of this State, in any case, civil or criminal, on the ground of misdirection of the jury, or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless in the opinion of the Court to which application is made, after an examination of the entire cause, it shall appear that the error complained of has injuriously affected the substantial rights of the parties."

WILLIAM U. HENSEL, *Chairman*, Lancaster: The next suggestion of the Committee requires no affirmative action by this body, because the Committee announces that, "unless otherwise directed, we shall not only memorialize the General Assembly of 1915 to provide for the appointment and expenses of a commission of three persons, learned in the law, to codify and revise" the law of decedents' estates, "but we shall draft and endeavor in every legitimate way to promote the passage of a statute to that effect."

THE PRESIDENT: The suggestion will be acted on, unless the Association restrains the Committee from carrying its intention into effect.

WILLIAM U. HENSEL, *Chairman*, Lancaster: Or authorizes the Committee to use illegitimate means.

THE PRESIDENT: Very good. Is there anything further from the Committee on Law Reform?

WILLIAM U. HENSEL, *Chairman*, Lancaster: I would ask the members to turn to the suggested draft which refers to the consolidation of all actions into actions of

assumpsit and actions of trespass. It has been suggested that actions of detinue have not been abolished. There were not enough lawyers on the Committee to know that that action had not been previously abolished, but the attention of the Committee has been called to it by a member of the Association outside of the Committee; and the Committee suggests that after the word "trespass" the words "and actions of detinue" be inserted. We simply suggest that.

I want to add that the suggested drafts have been added by the Committee simply by way of illustration. We do not feel that the Committee of the Association at this time is called to pass upon the form of an Act to be finally presented. But the Committee propounds four questions upon which we would like to have the sense of the Association. The Committee would like to be instructed, in other words, as to what the judgment of this Association and of the profession generally in Pennsylvania is as to the proposition which refers to abolition of the writ of summons in actions at law and as to the commencement of actions by the filing of statements. The question the Committee propounds is, first, Shall writs of summons in assumpsit and trespass be abolished and the actions be begun by filing statements of claim?

WILLIAM RIGHTER FISHER, Philadelphia: I move that the suggestion be approved by the Association.

THE PRESIDENT: The suggestion is in the alternative.

WILLIAM RIGHTER FISHER, Philadelphia: I move, then, that it is the sense of this Association that the writs of summons in assumpsit and trespass be abolished and the actions begun by filing statements of claim.

Duly seconded.

HOWARD W. PAGE, Philadelphia: The disadvantage, of course, would be this, that in many instances one has no

time to prepare a formal statement, and it may be very important to the client that the action be brought and brought promptly. Under the present system we can do that by issuing a writ, and then, after the action is once begun, prepare a statement at leisure. It seems to me that there is a substantial advantage in the present system, and a very great, material disadvantage in some instances in the system that would take its place. It would seem to be a more logical kind of practice to file a formal statement as the initial step in an action, but it does seem that there are very serious practical disadvantages. I think the disadvantages are greater than the advantages, and I am therefore opposed to the motion.

CHARLES J. HEPBURN, Philadelphia: There is another case than that suggested by Mr. Page, namely, the necessity of preparing a formal statement of claim before we can begin our action, which appeals to me, and I think we have all met it in our practice; and that is, where we have to sue very quickly in order to get service on a defendant. I can see no practical disadvantage in the continuance of the present practice in this respect, as we all can file our statements at the time we issue our writs, if we have time to do so. And if we are for the defense, I think every one of our courts has rules that within eight or ten days the defendant can force the plaintiff to file his statement. I have repeatedly issued writs where, had I been forced to prepare my statement, I should have lost service in the jurisdiction. And that, I think, is a very strong objection to abolishing the writ of summons.

HENRY C. NILES, York: There are considerable inconveniences either way. The matter was discussed by the Committee. I simply rise to make this suggestion as to the countervailing inconvenience, and that is, that there are frequently occasions when an action is brought by summons merely for the purpose of forcing a settlement or catching

somebody in the jurisdiction who is likely to get away and to whom a return would be very inconvenient. Now that seems to me to be fully as strong a reason in favor of requiring the beginning of an action to be by the filing of a sworn statement as the inconvenience that may sometimes occur in bringing a hasty action and then filing no statement. It is not right that an action be brought against any one unless the plaintiff has a case that satisfies his mind sufficiently to swear to a statement in the beginning. To my mind this consideration is conclusive to make me favor the answering of this question in the affirmative. It seems to me that it is better to require a sufficient pause and a sufficient appeal to the conscience of the plaintiff to make him, before he actually does sue anybody, file his statement of claim and swear to it so that the defendant may have whatever benefit there may be in that requirement. It is the same thing as a suit in equity. We all of us have been beset by the necessity of hurrying to get an injunction. We hurried, and we got our injunction. And the preparation of a statement of claim ordinarily is not as difficult as the getting up of a bill in equity for a preliminary injunction. Taking all this into consideration, I favor the pending motion.

GEORGE BRADFORD CARR, Philadelphia: I have no particular preference for outworn forms, and at first blush the suggestion that the summons be abolished struck me as good; but, after giving it a little more reflection and after talking with some of the members of the Association, I am inclined to think there would be no particular advantage in abolishing the summons. The summons is simply a notice to the defendant that a suit has been brought. The notice on the back of the statement is in effect a summons. If you continue the summons the defendant is served by the sheriff with two pieces of paper instead of one piece of paper. It frequently happens, as was said by Mr. Hepburn a moment ago, that defendants come into the jurisdiction, and some-

times defendants who live in the jurisdiction are about to depart from the jurisdiction, where it is absolutely necessary in the interests of justice to bring suit quickly. I am not referring so much to the cases where claims are apt to be barred by the statute of limitations, because I think all the members of the Association will agree that a man who waits five years, eleven months and twenty days is not likely to have a very good claim; but it is the case of allowing claims in which, unless a suit can be brought quickly, no suit can be brought at all.

Now, as to the other point, the preparation of statements being easy, that is not strictly accurate. Again and again I have had in my practice cases in which it was impossible to prepare a statement for weeks, and sometimes for months. The client, or the corresponding attorney, lives at a distance and one must write for more information or more records. Some letters would be sent and they would suggest that there had been some other correspondents, and it has been actually weeks and months before I could get the data necessary to prepare a statement. And is it, after all, a bad thing for a defendant who has simply been defying a creditor for weeks or months in an effort to gain time, when served with a summons and furnished with the publicity given by the mercantile agencies to the effect that a suit has been brought? The creditor has at last shown his intention to force a settlement, and that is demonstrated by the service of a summons. While the service of a summons in many cases may seem a needless ceremony, yet is it a harmful one? And, on the whole, do not the advantages of being able to secure service, at a time when service is most necessary, outweigh the advantages of a discontinuance of the practice?

Mr. Niles said a moment ago that we can, in suits of equity, prepare a bill hurriedly, but that is probably because we have to do it. I suppose in our county there are five hundred actions at law brought to one suit in equity. We

have to prepare statements of claim every day, statements often as difficult as the ordinary bill in equity, and sometimes more so. But we do not have to bring suits in equity every day, and we must deal with the things which come up most frequently, namely, actions at law. On the whole, my opinion is that no advantage is to be gained by the abolishment of the summons.

J. McF. CARPENTER, Allegheny: I have no decided conviction one way or the other about this; I merely ask for information. Suppose we adopt this measure of procedure and the defendant cannot be found, although he has a home or some place where the sheriff could serve a summons, but cannot serve a statement on the defendant himself. The proposed change, as I understand it, does not provide for that. It implies that you are to have a personal service on the defendant, and while you are hunting for the defendant the time, if it is anywhere near the end of six years, will have gone by; whereas, if you have your writ in the sheriff's hands you have a record of the fact that you have brought your suit within the statutory period, even if the sheriff does not get service on the defendant. You get your return, and can take out an alias writ. On the whole, I am inclined to favor an adherence to the practice of beginning an action by summons in the old-fashioned way.

... CHARLES J. HEPBURN, Philadelphia: Just a word in answer to Mr. Niles. He made the suggestion that the writ should be abolished because it is sometimes subject to abuse in the hands of counsel; in other words, simply used for the purpose of effecting a settlement. All forms of practice are subject to abuse in the hands of counsel not too greatly governed by ethical motives. The same abuse will follow from the practice of filing statements. The defendant is not hurt by the writ, he is put to no expense except exactly the same expense he would be put to in the case of the in-

stitution of the action by a statement, to wit, the employment of counsel and the entering of an appearance. We cannot get away from that end of it. But the abolishing of the writ of summons might very frequently work injustice and make it a very difficult thing for the plaintiff to secure service, and especially in his home county. There is no one here who cannot think of one case of that sort where, had such an act been in force he would have been denied an action in his own county and forced to go elsewhere to catch the defendant if he got him at all. It therefore seems to me that, since no harm is worked by the present practice—if the plaintiff sees fit to delay the filing of his statement the defendant always has a remedy; he can force the filing of a statement within a very short period—and since also the filing of statements without proper preparation and in a hurry is simply an additional encouragement to slipshod practice, of which we have enough today, I think the institution of actions should stand as at present.

WILLIAM H. STAAKE, Philadelphia: I would ask, am I correct that under the Municipal Court Act the actions are begun by the filing of a statement, and that they have abolished the writ of summons in Philadelphia? I know they have changed the practice.

GEORGE WENTWORTH CARR, Philadelphia: They have changed the practice with reference to the filing of an answer, and they have abolished the plea.

WILLIAM H. STAAKE, Philadelphia: I think I am correct in saying that for many, many years all of the business of this character in the State of New York and in the great City of New York has been by instituting the action by filing a statement. When it comes to the question of abuse, to which reference has been made, I happen to know that during the time when in Philadelphia the de-

termination of the particular court was made by the turning of the wheel, one of the popular methods of beating the wheel, as it was termed, when counsel desired to have their suit in a particular court was to go to the Prothonotary's office with one genuine præcipe and a number of bogus præcipes and then ask for a number, and the clerk of the Prothonotary would turn the wheel, and if the number that came out was not the number desired for the actual suit the bogus præcipe would be handed to the clerk, but the summons, if taken out, was never served because there was no one to serve. If, fortunately, counsel got the number with the first turn of the wheel the genuine præcipe would be handed. I remember very well indeed, just after the Constitutional Convention of 1873, Mr. George W. Biddle, the then Nestor of the Bar of Philadelphia, a man whose memory is held in reverence by every member of the Philadelphia Bar who had the privilege of his acquaintance, at a meeting of the Bar called to protest against the division into the then four courts, because it would enable litigants to select their own particular tribunal, called attention to this possibility, and what he then said very soon became the practice. It was customary, as practitioners at the Bar of Philadelphia know, for a member of the Bar, to go into the Prothonotary's office and say, "Charlie," addressing Mr. Roberts, "what court are you in now?" "No. 2." "How long will you have No. 2?" "Possibly for two days yet." "Thank you." And then he would depart and wait until they got the business into the desired court. That was followed by a large sign upon the wall of the Prothonotary's office, "We are now in No. —," and they would slip in a number—1, 2, 3, 4 or 5, so that all that counsel had to do was to poke his head into the door of the Prothonotary's office and depart if he was not in the court desired. Now, if you had to file a statement at once you would go into the tribunal that was then the one in-

tended for the business of the court, and you would not be apt to have a sworn statement which was a bogus statement against a defendant that does not exist.

JOHN HOUSTON MERRILL, Philadelphia: I have been very much interested in what I have heard, but it appeals to me that the profession has been burdened lately entirely too much with suggestions of reform and new legislation. We all know that. But here a very conservative committee of this body comes forward and recommends legislation. The way it has been recommended unfortunately requires us to act on one of the least important of the changes. What we should do is to consider these two acts in toto and vote on the four questions together. By the method of presenting the case we now have to vote on the questions of summons, whereas what we really want to do is to find out whether we want any change at all. Would it not be wiser to lay the voting on this particular question on the table until we have considered the other questions, and we may decide that we may not want to reform anything?

WILLIAM W. RYON, Northumberland: I am obliged to take exception to what the gentleman who just preceded me has stated. As set out in the report, "to enable the Committee to frame an act in accordance with the opinion of the Association, the following questions should be decided," etc. The Committee wants the opinion of the Association on these questions and, therefore, I think we ought to give it to them. His Honor, Judge Staake, in speaking of the practice in the State of New York, is, I think, somewhat in error. As I understand the practice of the State of New York, a lawyer sits down in his office and writes out a summons, and he sends it to the sheriff to serve in any county in the State of New York. After the service has been made and returned to his office he then prepares a statement and takes it to the office, and that is the first entry

that is made on the record of the court in the State of New York. I feel, of course, that is a hardship in some way, because a man living in the western part of the State of New York may be summoned to appear in the eastern part of the State of New York, which would be a great hardship to him. But, in talking with lawyers from the State of New York they seem to think that it works out very well. While it is a hardship to some people, yet they are able to catch fellows whom they could not catch in any other way, because they would not come within the jurisdiction of the court that they want them to get into.

It seems to me that our practice, as it is, is all right; it does not seem to me that it needs any changes at all. There are many times, and it has occurred in my experience, that I wanted to get service on a party; that party might be a traveling man who travels perhaps all over the country. You have a particular suit that you want to bring against him and he does not stop long enough in one place to prepare a statement, but you do catch him sometimes within the jurisdiction and you can issue your summons in a few minutes and you can have service on him. I think the advantages are very great to leave the practice as it stands today.

WILLIAM H. STAAKE, Philadelphia: I would like to ask whether Mr. Ryon means service on a non-resident?

WILLIAM W. RYON, Northumberland: Yes, so as to catch him out of his own jurisdiction.

WILLIAM U. HENSEL, *Chairman*, Lancaster: I do not want to influence the action of the Association, but simply to say to the members of the Association that it was not in the mind of the Committee to suggest that the beginning of the action, that is to say, the paper filed, should be the ultimate pleading in the case, but inasmuch as the different forms of action were to be abolished, or rather

merged into one single action, that the original paper should give something like the appellate courts require; that is, a statement of the question involved. That is to say, "This suit is brought to recover from the defendant on a promissory note, \$5000.00"; "This suit is brought for so much money on a book account"; and the detailed statement could be made thereafter. It simply gives the party a statement of claim, not the final statement, but gives him notice. The summons only informs him generally whether it is *assumpsit* or *trespass*.

WILLIAM W. RYON, Northumberland: Would not that be properly covered by saying in your *præcipe*, "issue summons against so and so, action being brought on, etc.?"

WILLIAM U. HENSEL, *Chairman*, Lancaster: It is suggested that the Association consider this proposition before taking a final vote on any of the questions.

HOWARD W. PAGE, Philadelphia: I want to ask whether the Committee thought at all of having the party to the action serve the statement, and thus perhaps abolish the function of the sheriff?

THE PRESIDENT: We are getting into a discussion on matters foreign to the question before us.

EDWARD J. FOX, Northampton: I would like to ask the Chairman of the Committee whether it was its thought that when this statement was filed it should indicate also the time for filing the answer?

WILLIAM U. HENSEL, *Chairman*, Lancaster: There would probably be a rule fixing that time, but at all times the defendant could demand a more particular statement. There would be nothing corresponding to a return day, but this would practically abolish the return days.

WILLIAM H. KELLER, Lancaster: There is another objection to this change. There are frequently cases when

a busy lawyer is, between sessions of the court, obliged to bring a suit. If you have to prepare a statement then and there you will be obliged to send your client off to get somebody else to look after him, because you cannot. Anybody can take time enough to bring an action, to write a præcipe, as at present. This frequently happens. If you must prepare a detailed statement as set out in these proposed drafts, giving copies of papers and things of that character, it will simply take business away from a lawyer who is busy. And I do not see any possible advantage in making the change. There has not been a single advantage suggested. The only suggestion that has been made was that made by Mr. Niles, of a blackmailing attorney or a blackmailing client endeavoring to get some money out of a person. But he will not hesitate to swear to a statement anyhow. I have not seen one argument presented in favor of making a change, whereas there have been a half dozen against it.

WILLIAM MACRUM, Allegheny: It seems to me that these opposing views might be reconciled by a proviso; that is to say, the ordinary kind of cases could be dealt with as the Committee proposes, by having a statement filed in the first place, and for these emergency cases you can provide something such as has been suggested, I think, by the Chairman of the Committee; a practice that prevails in some of the courts, at least, in England—a short statement annexed to the statement served—call it summons if you will—of the nature of the claim, and it might be stated that so much time is asked for filing a statement in full, and it might perhaps be politic to visit the gentleman who is not ready, or his client, with little additional costs for not filing a statement in the first instance. Would not that cover the ground and enable us to get this useful reform enacted?

THE PRESIDENT: Is there any further debate?

(Calls for the question.)

The question being upon the motion that it is the sense of this Association that writs of summons in assumpsit and trespass be abolished and the actions begun by filing statements of claim, it was not agreed to.

WILLIAM U. HENSEL, *Chairman*, Lancaster: The second question submitted to the Association is "Shall affidavits of defense or any other answer than a plea of not guilty be required in an action of trespass?"

THE PRESIDENT: That question is now open for discussion.

C. LA RUE MUNSON, Lycoming: I think that all of us who have given any thought to that section will concur in its wisdom. It happens that in our county we have had for many years a rule of court which compels a bill of particulars by the defendant in an action of trespass, by which we find out what the defense is about; without such rule we would have to go to trial practically in ignorance of what the defense is. I happen to be somewhat familiar, at least I was at one time, with the code of New York. I am not by any means an advocate of the code as a whole, but on that point I am in hearty sympathy with the code. It requires an answer, or as we call it, an affidavit of defense from the defendant to the plaintiff's action. If the defendant is to be advised of the plaintiff's action and the plaintiff is required to give reasons, why should not the plaintiff be informed of the defense? Is it not, in these modern days, a proper practice that both sides should be advised before trial, that the defendant should be informed of what the plaintiff's case is, and the plaintiff informed of what the defense is to be? Does it not put the parties upon equality with respect to knowledge? I, therefore, for one, am in favor of the suggested adoption of that proposition and shall vote in the affirmative.

WILLIAM U. HENSEL, *Chairman*, Lancaster: I do not want the Association to get the impression that as a Committee we are in favor of these propositions. We simply propose them to the Association. For my own part, I am entirely opposed to this; I am in favor of negating this proposition, because I think that any lawyer who frequently appears for the defendant in negligence cases knows how utterly impossible it is in most cases to make an answer. You do not know what the plaintiff's testimony would be. It very often happens that employers, or common carriers, absolutely know nothing at all about the occurrence, and frequently they have never heard of the case, probably know nothing about it until the plaintiff's case has been presented. I am entirely opposed to this proposition.

EDWIN M. ABBOTT, Philadelphia: While we are on the subject of the filing of an affidavit in trespass cases, might I not suggest, along the same line, that, although I am not in favor of filing an affidavit of defense generally by a defendant in a trespass case, he should at least be required to file some sort of an affidavit, setting forth whether he is the proper person to the suit or not? Oftentimes it is impossible, under the present system, to know whether you are suing the right defendant or not, and to allow the time to go by, so that the statute of limitations will bar a further action, and then find that you have not sued the right defendant, and thus have the plaintiff put out of court with no opportunity of redress, is not in the interests of justice. If the Committee will consider that, I think that would probably be the best in this controversy, because we find that it is almost impossible many times for a corporation or other defendant to file an affidavit of defense in trespass.

EDWARD J. FOX, Northampton: Some years ago, I think shortly after the passage of the Act of 1887, our Court adopted a rule requiring an answer to be filed in cases of trespass. There were some of us disposed to think that

it was unwise. I was one of those who thought so. But we have had that practice ever since. I have appeared principally for the defendant in negligence cases, and such as my friend Mr. Hensel has referred to; and while perhaps for the disadvantage of the defendant in that case, yet I am persuaded now that it is wise that the defendant should state as fully as possible the nature and character of his defense, so that the plaintiff may be advised of what he has to meet. I argued a case last week where there were two branches of defense. It is very often so in negligence cases. One was the fact of the absence of negligence on the part of the defendant, and the second that the plaintiff himself was guilty of negligence. It has not been my experience, with corporations at least, that they are not advised of the character of the defense. On the contrary, I think most of the railroad companies and the other public service corporations make an investigation of an accident immediately after it occurs. Therefore they are in full possession of the information that is required to make a statement of their defense. I agree with Mr. Munson that it is eminently fair that the plaintiff should know what he has to meet.

WILLIAM U. HENSEL, Lancaster: How do you determine the damages where no affidavit is filed? Suppose a newspaper is sued for libel and the damages alleged \$20,000. How do you determine the amount of damages if no affidavit of defense is interposed?

EDWARD J. FOX, Northampton: I do not know that that question has ever arisen.

CHARLES J. HEPBURN, Philadelphia: Would you not determine damages in the same way as you do now where you take judgment for want of a plea, and the damages are thereafter fixed?

And now that I am on my feet, I want to call attention to Section 15. That section says: "No denial or defense

shall be necessary as to damages claimed or their amount; but they shall be deemed to be put in issue in all cases unless expressly admitted."

I would like to ask whether the Committee has considered the effect of that section upon the affidavit of defense, or rule for judgment in assumpsit, as to so much of the claim as to which the affidavit is insufficient. If that section is meant simply to refer to the action of trespass, it seems to me that it should specifically so state, as otherwise I should say there would be a very great danger of such a provision in the Act abolishing the rule for judgment for an insufficient affidavit of defense, as to the amount not defended against. Could we take judgment for that amount, or would the case have to go to trial?

WILLIAM U. HENSEL, Lancaster: We have not considered anything; these drafts are simply for illustration. They were furnished by Judge Ralston, and we will take up all those questions afterward.

A. M. IMBRIE, Allegheny: If I understand this inquiry, it simply relates to and is intended to cure what has so often arisen, to wit, in an action of trespass nobody knows, the plaintiff does not know, what the defense is. Now, the purpose of this is simply to put upon the record in a very general way what the defense is; for instance, no liability, no negligence on the part of the defendant, contributory negligence. At present you simply put in the plea, not guilty, the plaintiff does not know anything as to what the defense will be. I agree with my friend who has just spoken that all our corporations now have a system by which every accident or anything by which any liability may be incurred is properly recorded. There may be a few instances in which they do not know, but it is very rare. It is but fair and just that both sides should know in a general way what the issue is to be.

WILLIAM RIGHTER FISHER, Philadelphia: I moved as to the first inquiry that it should be answered in the affirmative, and it was answered in the negative by the vote of the Association. It appeared to me to be a query which had very little significance one way or the other, being a mere matter of form. As to the second inquiry, I confess that all my inclinations are in favor of the answer to that query in the affirmative. But there is something which bothers me in the discussion and disposition of these queries. I understand that the purpose of the inquiries was to obtain some sort of preliminary expression as to the judgment of the Association, so that the Committee would have that expression as a guide to themselves in the further consideration of these matters; and it does not appear to me quite desirable that the Association should be positively committed one way or the other in the answer to any of these queries. But as I understand now, there is no motion before the meeting. I therefore move that the second query be answered in the affirmative.

GEORGE WENTWORTH CARR, Philadelphia: At this time I am glad to be able to join Mr. Fisher. Let me give an incident which happened some years ago which may show the value of an affidavit of defense in trespass cases. There was a poor woman who had a little candy and fruit stand at the Girard Avenue bridge of the Pennsylvania Railroad at the Zoölogical Garden, the bridge used by the New York division. This woman had a permit from the Bureau of City Property. The city believed that it owned that land. She was notified by some railroad official to remove. She had been there for many years, had become a landmark; children who went to the Zoölogical Garden bought peanuts to feed the animals. One night a horde of railroad men descended and threw her counters and merchandise and soda fountain into the street. We brought an action against the Pennsylvania Railroad and a plea of not guilty was filed. At the trial counsel for the Pennsylv-

vania Railroad produced evidence to show that that was the property of the New York Connecting Railroad, and that we had sued the wrong party. Of course, the case had been on the list a number of times and the statute of limitations would have barred another suit. Judge Staake's colleague, Judge Ralston, tried the case. It was shown that the men who actually threw the property into the street were employees of and received their salaries from the Pennsylvania Railroad. Judge Ralston saw the situation and he said, "Very well, this belongs to the Connecting Railroad; what right had you, the Pennsylvania Railroad, to send your employees to throw this woman out? It was none of your business if she was a trespasser on the Connecting Railroad Company." And the defendant lost the case. That was the situation. I do not imagine any lawyer would for a moment have thought that that little piece of ground belonged to any other corporation than the Pennsylvania Railroad Company. Had the Pennsylvania Railroad been required to file an affidavit of defense it could have disclaimed title to that land, and we would have had an opportunity to bring a new suit.

The question being upon the inquiry "Shall affidavits of defense or any other answer than a plea of not guilty be required in an action of trespass," and a division being called for, the Secretary reported 38 yeas and 34 nays, whereupon the Chair decided the question agreed to.

THE PRESIDENT: The question now comes up on the third suggestion, "Shall copies of documents be attached to the statement or shall their effect be stated?"

WILLIAM U. HENSEL, Lancaster: I move that it is the sense of this Association that copies of documents be attached to the statement.

Duly seconded.

J. MCF. CARPENTER, Allegheny: Does that mean that we shall attach copies of mortgages when we issue a *scire facias* on a mortgage?

WILLIAM U. HENSEL, Lancaster: No.

HAROLD M. McCLURE, Union: I would call attention to the fact that this Act does not provide for *scire facias* on mortgages.

The question being upon the motion that it is the sense of this Association that copies of documents be attached to the statement, it was agreed to.

HENRY C. NILES, York: I now move that it is the sense of the Association that the fourth interrogatory be answered in the affirmative—"Shall the plaintiff be required to file an affidavit of defense to the defendant's counter claim?"

Duly seconded, and agreed to.

WILLIAM U. HENSEL, Lancaster: Before this item of business is passed I would submit to the Association a matter brought to my personal attention, namely, the assignment of seniority to members of the Superior Court, the members of which Court are eligible to reelection. Under existing law a Judge newly elected would take precedence of a Judge now on the bench and hereafter reelected. I move you that the Legislature be memorialized to make such an amendment to the Superior Court Act as to preserve the seniority of a Judge who is reelected so that he shall have seniority of commission. Under the old rule in the Supreme Court a Judge who had served ten years went to the top of the list, but under the constitutional provision extending the term of the Judges of the Supreme Court and making them ineligible for reelection, that rule dropped out. In the Superior Court, however, a Judge is eligible for reelection, but a newly elected Judge takes precedence

and becomes the senior of a Judge who has served ten years, and I think it is really desirable to have a general expression of opinion on the part of the Association that a Judge who has served ten years shall take precedence. It is really a matter of honor.

A. M. IMBRIE, Allegheny: I move that the Legislative Committee be instructed to secure such legislation as will preserve the seniority of the Judges in the Superior Court.

Duly seconded, and agreed to.

WILLIAM U. HENSEL, *Chairman*, Lancaster: That is all I think that the Committee on Law Reform has to bring to the attention of the Association.

GEORGE WENTWORTH CARR, Philadelphia: Before we pass from the report of the Committee on Law Reform I would like to ask the Chairman a question which the report does not make quite clear to me. Is it the intention of the Committee, after receiving the suggestions of the Association as to the four questions propounded, to draft an Act and present it to the Legislature?

WILLIAM U. HENSEL, *Chairman*, Lancaster: To present it to this Association.

GEORGE WENTWORTH CARR, Philadelphia: I have heard from several sources that Practice Acts will be introduced into the next session of the Legislature, and that their passage will be pressed. It does seem to me that if that condition arises our Association, representing the active practitioners of Pennsylvania, will be placed in rather a ridiculous position if we now authorize the Committee on Law Reform to take some action and report back to the Association. I am certain that bills will be presented to the Legislature on this subject; I have been told that if this

Association did not act there would be such bills and my informants stated that they had reason to believe they would be passed.

WILLIAM U. HENSEL, Lancaster: We will do whatever we are told.

GEORGE WENTWORTH CARR, Philadelphia: Therefore I move that the Committee on Law Reform be authorized to draft such a Practice Act as in its judgment is desirable and in conformity with the expression of opinion of this Association, at this meeting, and such other expressions as can be obtained from individual members, and to cause the same to be introduced at the next session of the Legislature and to use all proper means to secure its passage.

Duly seconded.

EDWARD J. FOX, Northampton: I will make this suggestion: That the Committee on Law Reform be also requested to take such action as may be necessary on any other acts that are introduced.

GEORGE WENTWORTH CARR, Philadelphia: I will accept that as an amendment.

THE PRESIDENT: The mover having accepted the suggestion by way of amendment the question now is whether the Association will authorize the Committee on Law Reform to draft a Practice Act in accordance with the suggestions of the Association, together with the expressions of opinion which have been obtained on the four propositions submitted, and use all such proper methods as may be necessary to secure the passage of the bill; accompanied by the suggestion that should it meet any antagonistic measures which do not meet with its approval, it shall also expend the same energy to defeat the other bills.

The question being as stated by the Chair, it was unanimously agreed to.

THE PRESIDENT: Has the Chairman of the Committee on Law Reform any further matters to bring to the attention of the Association?

WILLIAM U. HENSEL, *Chairman*, Lancaster: No, sir.

THE PRESIDENT: We pass then to the Report of the Committee on Legal Education. There seems to be nothing in that report that requires consideration, and the next report is that of the Committee on Legal Biography.

GEORGE R. BEDFORD, Luzerne: I want to move the adoption of the recommendation of the Committee on Legal Biography, that an appropriation not exceeding \$700 be made for the expenses of that body for the coming year.

Duly seconded, and agreed to.

THE PRESIDENT: The next report is that of the Committee on Grievances.

THE SECRETARY: There is a matter in that report that requires some consideration.

GEORGE WENTWORTH CARR, Philadelphia: In order to bring the matter before the Association, and I believe I will have to have unanimous consent, I would like to move the amendment of Section 33 of the By-Laws suggested in the Report of the Committee, by striking out from the seventh line the words "by any member." That will leave that sentence when amended to read,

"They may also hear any specific complaints made affecting the interests of the profession, the practice of law, or the administration of justice, and may report thereon to the Association, with such recommendations as they deem advisable."

The Committee on Grievances calls attention to the fact that it is now empowered to hear complaints only when

made by members. They want to get the opinion of the Association as to the entertaining of complaints made by others.

The By-Laws require notice to be given of an intention to offer any amendment and that a copy of the proposed amendment be included in the call for the annual meeting. I therefore ask unanimous consent to offer that amendment to the By-Laws.

THE SECRETARY: I would like to state that most of these complaints, to my knowledge, have been addressed to the Secretary. They come usually from the client in another jurisdiction who feels that he has some grievance against his counsel in Pennsylvania. Of course, the Secretary has always sent those complaints directly to Mr. Derr, the Chairman of the Committee on Grievances, and I think that is the question involved, whether the Committee on Grievances is limited to a complaint made by a member of the Association or whether it can entertain a complaint that is made by some one not a member of the Association.

JOHN B. COLAHAN, JR., Philadelphia: It seems that consideration of this matter ought to be postponed until some member of the Committee is present. It is an important matter, and the Committee ought to be here.

THE PRESIDENT: Unless unanimous consent is given, the matter will have to go over under the By-Laws. The gentleman from Philadelphia asks for unanimous consent; does Mr. Colahan object?

JOHN B. COLAHAN, JR., Philadelphia: I do object. I think this ought to go over until some member of the Committee is present.

THE PRESIDENT: Is there anything further from the Committee on Grievances? If not, the report of the Committee on Uniform State Laws is in order. Is there anybody here to speak for Mr. McKeehan?

THE SECRETARY: I have nothing.

THE PRESIDENT: Next comes the report of the Special Committee on Contingent Fees.

JOHN B. COLAHAN, JR., Philadelphia: That Committee and its report have been rather conspicuously before this body for a number of years, and it has been my duty or pleasure to appear here each year representing the Committee. We are in the unfortunate position of having a Chairman who cannot be present at the time when this body meets. I have received a letter from Judge Beitler requesting that his resignation from the Committee be accepted and that some one be appointed in his place. I had hoped at this meeting to have the question of contingent fees disposed of. The Committee is scattered, it is composed of members from all parts of the State, and it is extremely difficult for us to meet. We have disposed of the question which was referred to us by this body, and we have reported suggested Acts to cure what we believe to be a very great evil. When I got the letter from Judge Beitler, the Chairman of the Committee, advising me that he could not come, and saying he had been unable to formulate a report, I endeavored on my own behalf to supplement that action, and draft certain amendments to the Acts which we had heretofore presented to this body, which I thought would meet some of the suggestions that had been made in the annual debates on those Acts, at least those suggestions which seemed to have something persuasive or to have some merit. After conference with those members of the Committee who are here, I thought, in view of the gravity of the subject which we have under consideration, it would be wise to postpone action and let the Committee be filled by the appointment of some one in Judge Beitler's place, and let us report formally at the next meeting the Acts in substance as I think they ought to be passed.

I therefore move that action on anything from this Committee be postponed until the next meeting of the Association, when we can make a formal printed report.

THE SECRETARY: May I say that I have received a letter at this meeting from Mr. Francis Fisher Kane, who refers to the fact of his being actually engaged in an important case in the United States Court, so that he is unable to be at this meeting?

JOHN B. COLAHAN, JR., Philadelphia: The membership will therefore note that we are deprived of both head and tail.

THE PRESIDENT: Does that mean that the Committee is moving on crutches?

JOHN B. COLAHAN, JR., Philadelphia: Not by a long shot.

The question being on the motion that action on the report of the Committee on Contingent Fees be postponed until the next meeting of the Association, it was agreed to.

JOHN B. COLAHAN, JR., Philadelphia: The Chair will understand that Judge Beitler has formally resigned.

THE PRESIDENT: The Chair so understands, and will fill the vacancy. The lightning will probably strike somewhere in the direction to my left.

Next is the report on Revision and Unification of the Statutes. Is Mr. Duane, or any one on behalf of that Committee, ready to report? If not, the matter will be passed.

Next comes the report of the Special Committee on Reform in Township Law. The gentleman from Bradford.

RODNEY A. MERCUR, *Chairman*, Bradford: Those of you who have had the time to read our report will be able to ascertain at a glance that it relates almost wholly to

townships of the first class. The Committee realized at once that the subject was so large that it would be impossible for us at this time even to make any recommendation whatever as to townships of the second class. Mr. President, you wisely enlarged this Special Committee and you were particularly fortunate by the new blood that you infused when you gave to us three men who are well versed in the laws affecting townships of the first class, because some of the members of the Committee, like the Chairman, in whose counties they have no townships of the first class, have paid very little or no attention to the laws affecting such townships. The work of the preparation of this report was therefore wisely delegated to our distinguished colleague and ex-President of this Association, who comes from the great county of Allegheny, and who has taken a great interest in this work, and who has given us a report which we believe to be replete and which is very satisfactory to all of the members of the Committee unless it is to the draftsman himself.

It is not my intention or purpose to consume very much, if any time in calling attention to the needs of the townships of the first class, but I shall rely upon Mr. Smith to take up that burden. I want to bring formally before the Association the first recommendation that we make, to wit, asking the Association to approve of the repeal of the Act of 22d June, 1913, which practically gives the control of township roads to the State Highway Department. At the present time in my own county, and I believe I can speak to the same effect in other counties, there is no control exercised by anybody, and our roads are in a wretched condition. The supervisors of the respective townships say that they have no control over the roads, they have no funds that they can use to repair them. Accidents are happening from time to time, and nobody has any redress against any person that is liable. They cannot sue the township, they cannot sue the State of Pennsylvania without the ex-

press permission of the Legislature, and that may cost more to obtain than the amount of their claim. So that we are in an unfortunate predicament. And we believe it is the universal opinion of the lawyers of Pennsylvania that the control of these township roads shall be taken away from the State Highway Department and placed where it belongs—in the hands of the supervisors of the respective townships. I therefore move the adoption of this recommendation and call on Mr. Smith to state further the position of the Committee.

Duly seconded.

WILLIAM W. RYON, Northumberland: Do I understand now that we are to adopt the recommendation of the Committee as a whole?

RODNEY A. MERCUR, *Chairman*, Bradford: No, only the first proposition, which is, "We recommend the repeal of the Act of 22d June, 1913 (P. L. 915), which practically gives the control of township roads to the State Highway Department." That is the only matter.

WILLIAM W. RYON, Northumberland: That is just what I object to. Under this Act of Assembly of June 22, 1913, supervisors have been elected all over the State of Pennsylvania respectively for six years and four years. They have taken office, and started in the performance of their duty, I suppose. To wipe out that Act of Assembly would mean the appointment of a large number of supervisors throughout the State by the Courts, and would lead, in my opinion, to some confusion. Then, again, I do not agree with my friend, the Chairman of this Committee, that this Act of Assembly takes all the powers out of the hands of the supervisors. The supervisors under that Act of Assembly do have power over the roads, they are only restricted and required to do certain things, which, in my opinion, none of them ought to do and which they have

not heretofore been required to do. They are obliged under this law to live up and be subject to the rules and requirements of the State Highway Department in the manner of constructing roads. Heretofore they were practically allowed to do just whatever they were pleased to do in the construction of roads, without any limitation, except as to the amount of tax to be levied. But they had nothing to guide them. By this Act of Assembly it is provided that they are to be guided; they are to live up to the rules and regulations of the State Highway Department. Now the State Highway Commissioner is required to furnish necessary books, blanks and forms and prescribe the method of keeping the township accounts, which is a very important thing. I have supervised for a good many years, and the only account I ever knew them to keep was simply the account to be furnished to the Township Auditors at the end of the year. Now, they ought to be required to keep accounts; they ought to have the necessary books wherein to keep their accounts, and the form of the accounts should be the same all over the State. It should be uniform, and this Act of Assembly requires it to be uniform.

The Committee was wise, in my opinion, in not asking for the repeal of the Act which classifies townships. I think that Act of Assembly was one of the most important Acts in connection with the classification of counties that has been passed by the Legislature. The townships of the first class are required by ordinance to make an appropriation of the funds to be spent for the coming year. This Act requires the supervisors to make an estimate of their expenses for the year—what is required for bridges, repair of roads, culverts, etc., for the year. Without that estimate being made the supervisors simply levy a tax at random and they either have in their own minds that they ought to have the limit of taxation or else somebody has suggested to them that they ought to have the limit of taxation, and it is usually ten mills. With this estimate they are able

to see, and the books under this Act of Assembly are required to be kept open so that the people can see, whether it is necessary to have that amount of tax levied.

Now, these things have occurred to me, and it seems to me that they are very important, things of so much importance that this Act of Assembly ought not to be repealed. The Act changes the names that the supervisors are to go under even. Instead of road supervisors they are now called township supervisors. And it seems to me that that Act ought to be allowed to remain as it is. Outside of that, I heartily approve of the action of the Committee as a whole.

THE PRESIDENT: Is there any further expression of opinion on this subject?

WILLIAM RIGHTER FISHER, Philadelphia: I only wish to say a word or two. It seems to me somewhat dangerous to recommend the repeal of this Act. As I understand the situation, there is difficulty with reference to the maintenance of the township roads, and that difficulty grows out of the inefficiency of the State Highway Department. It would have been a great deal better in many of the townships if the State had not taken over certain roads that they have taken. They do not look after them, and they do not repair them; they do not improve them; they do nothing.

THE PRESIDENT: They do not have the money.

WILLIAM RIGHTER FISHER, Philadelphia: Well, I say it is inefficiency, from whatever cause it may be, on the part of the Highway Department. But we are getting into this Association, it seems to me, a question which is rather dangerous for the Association to take up for discussion, and it is very questionable whether we can act with any wisdom whatever. These questions are not questions concerning procedure or the practice of the law. Probably one-half of the members of this Association, or more than

one-half, know nothing whatever about township roads or the maintenance of township roads, or the laws which govern the townships in one way or another. For the reason which I have just stated, because it seems to me that we cannot advisedly recommend the repeal of that Act, I move that the pending motion be laid on the table.

Duly seconded.

The question being on the motion to table the motion of the Chairman of the Committee on Reform in Township Law, it was agreed to.

RODNEY A. MERCUR, *Chairman*, Bradford: I move the adoption of the second recommendation, namely, the passage of an Act similar to the Act of 7th June, 1901 (P. L. 510) giving to townships of the second class the right to open, lay out, widen and vacate streets, etc.

Duly seconded.

WILLIAM RIGHTER FISHER, Philadelphia: I am opposed to the adoption of that resolution, and it is simply out of abundant caution that I am opposed to it. I have personally been very much interested in townships of the first class. That was a cardinal piece of legislation. I recognize the fact that there are on this Committee members of this Association who are very familiar with the workings of townships of the first class. Some of them have been solicitors for townships of the first class. Nevertheless, I do not feel prepared to vote affirmatively on that resolution, unless there is some elucidation of it, unless it is shown why it is a desirable recommendation to make.

RODNEY A. MERCUR, *Chairman*, Bradford: The object is this: At the present time the general law places the authority to open, lay out, widen and vacate streets in the Court of Quarter Sessions. We have in a great many counties of the State special laws. In my own county we

have special laws, and the Court of Quarter Sessions has nothing whatever to do with the roads. But in a great many of the counties that Court has the sole control of roads. It has the power to foist on townships any number of private roads, which makes it very burdensome and makes it very objectionable. I am going to ask Mr. Kiernan, of Somerset, to elucidate the operation of that in the County of Somerset.

EDMUND E. KIERNAN, Somerset: I think what Mr. Fisher has said is correct, that the majority of the members of this Association do not know much about township law, and perhaps it would be well enough for the Association not to consider this subject; but there is a line drawn here that I think the Association should consider—the line between paternalism and self-government. It seems to me, since I have been interested in this subject, that this Association should recommend that townships be given powers of self-government and keep the Court of Quarter Sessions out of it and let the people of the townships themselves say whether they want a road or do not want a road. Of course, that is something perhaps that country lawyers are more interested in. But we ought to decide, with that Anglo-Saxon good sense which the Chairman spoke of yesterday, that in any locality the local authorities—the people themselves—should govern. The very confusion that we have had in township law comes very frequently from the Legislature interposing a general act which interferes with everybody else. Let us give the townships some sort of a charter, power for them to govern themselves. One of those powers, under the modern thought, is to let them make their own roads, and let them vacate their own roads; and I second that motion.

HAROLD M. MCCLURE, Union: I can see no reason why this should be adopted. The roads in our counties, through townships, are laid out by a Board of Viewers

fixed by the Court of Quarter Sessions, a lawyer, surveyor and a civilian, a standard board appointed by each court in each county, and presumably they are men of intelligence and know what they are doing, one of them an engineer; and the roads are laid out by petition of the citizens of a township asking that a road be laid out. On that petition these men go out and view the premises, look the road over, the proposed site of the road, and anybody who has anything for or against it can be heard before these viewers. The report is then made to the Court. Anyone who is not pleased with this report can file exceptions to it or can ask for a review, and another set of viewers, the same kind of men, is appointed. If the two reports come in affirmatively the road is opened, but in extreme cases a re-review can be appointed by the Court. They go on and fight this thing out, determine whether they should have that road. And this question ought not to depend upon the people of the township. Three or four, or half-dozen people in a township will say that they do not want to go to the expense of building that road, that the township adjoining or the other people of the county are going to get the benefit of it. The road is not for the people of the township, but for the citizens of the Commonwealth. I know cases where tight-wads in a township will prevent a decent road from being built through a township, affording our motorists a little convenience for going through the county. There is no reason I can see why it should be changed or turned over to the people of the township. And I do not know exactly what provision they propose to have to determine—that is, the Court or body that is to determine—what the road shall be or where it shall be located. I am opposed to making the change. I want to progress, but I want to know where I am progressing.

EDWIN W. SMITH, Allegheny: I think there is some little misconception of what the members of this Committee mean. You voted down very promptly the first

recommendation of the Committee. I did not say anything about that, nor did any other members of the Committee, because it is a matter about which there is no need for haste. But here is a proposition—Mr. Kiernan voiced it to a certain extent when he said that the members of this Committee are a little in favor of keeping some power in the hands of the people. Every branch of the government nearly is going out of the hands of the people, and while that may not be a strong argument, until something better is shown we would like to have townships keep a little bit of self-control. What have you got? You got, first, so far as roads are concerned, the Sproul Act of 1911. We are not making any attack on that; that is all right. We are all in favor of that. You have got the county road law; we are not making any attack on that. All general highways can be built under either one or the other of those acts. But we are strongly opposed to the provisions of the Act of 1913, which practically prevents any improvement of township roads without the consent of the Highway Department. Judge McClure said you ought not to leave the question of township roads to the Commissioners of the township. I do not know what Judge McClure's experience has been, but every man that has ever had a road case knows there is absolutely no difficulty in getting a road established any place or at any time you want. You go into the Quarter Sessions and you have a review and a re-review on the petition of twenty citizens of the community, and what is nothing more or less than a private road is established and the burden of it put on the Township Commissioners to open it under pains and penalties. That is what this Committee is talking about. That is what we are opposed to. We believe that the main thoroughfares of the State should be cared for by the State Highway Department, that the great roads of the county should be taken care of by the county, if they want to take care of them; but outside of that, all these township roads, we

think the care of these roads ought to be left with the Commissioners; that a few petitioners ought not to be able to come to the Quarter Sessions Court and then compel the township at large to keep up what is nothing more or less than a private road. As Mr. Kiernan said in his report last year, there are about 190 miles of township roads in Somerset County, and the Commissioners know and the people know that there are not more than 50 miles that ought to be kept up at public expense.

Now, we are not going to advocate any radical reforms in township law at all, but we do think that, as far as roads are concerned, that ought to be a matter taken out of the Quarter Sessions Court and put into the township supervisors.

CHARLES M. CLEMENT, Northumberland: How long has the Quarter Sessions had that authority?

EDWIN W. SMITH, Allegheny: Forever, I suppose.

CHARLES M. CLEMENT, Northumberland: Since William Penn's time?

EDWIN W. SMITH, Allegheny: That is no reason for keeping it if there is something better.

A. M. IMBRIE, Allegheny: I would like to ask the Chairman of this Committee this question: Suppose it is important to establish a road between two highways, and part of that new road is in one township and part in another, what effect would this legislation have on that situation? One township might be agreeable while the other might not. Under the present system you go into the Quarter Sessions and you have that road established without regard to whether it is in one township or half a dozen. Suppose that condition would arise, how would you accomplish the establishment of that road under your proposed legislation?

RODNEY A. MERCUR, *Chairman*, Bradford: Do I understand where a road is in two different townships? I am not prepared to answer that. Our special laws have a special provision in relation to that. Where the township supervisors are called together they act jointly. I am not prepared to say as to what the general law is.

EDWIN W. SMITH, Allegheny: The answer to that, of course, is that if it is an important road, if it is seriously an important road, it can be laid out by the counties or by the State Highway Department. We are not talking about that sort of thing. Of course there are many difficulties that will arise in the administration of any Act of Assembly, but if there are difficulties in regard to a road in two townships that is really important, there is no trouble about it; the county will do it now.

A. M. IMBRIE, Allegheny: Suppose the legislation obtains which you propose; how would that affect that situation?

EDWIN W. SMITH, Allegheny: It would not affect it at all. We are not going to try to meet all questions that arise.

EDMUND E. KIERNAN, Somerset: I want to call attention to this. Judge McClure spoke of the dangers of leaving things to people of the townships. That has been the trouble since William Penn's time. He regarded the people in the country as minors and semi-idiot. The people in the boroughs finally forced this thing on, and in the boroughs they control their own roads. Because they live twenty feet apart, and people in the townships live a quarter of a mile apart, is not a bit of reason why the latter should not control their own roads. They are really men; I assure you, gentlemen, they are not idiots, and they can attend to their own affairs, and it is only right that they should do it. I think this Bar Association, as men past twenty-

one, ought to take some sort of stand to stop this folly, and give us the same kind of legislation that they have in the northern tier of States and other intelligent communities.

The question being on the motion to adopt the second recommendation of the Committee, namely, the passage of an Act similar to the Act of 7th June, 1901 (P. L. 510), giving to townships of the second class the right to open, lay out, widen and vacate streets, etc., it was agreed to.

RODNEY A. MERCUR, *Chairman*, Bradford: I would move the adoption of the third recommendation of the Committee, that is, some modification of the sewer legislation relating to townships under the Act of February 23, 1905 (P. L., 22), and the two Acts passed in 1913. And I ask Mr. Smith to explain the necessity for that action.

EDWIN W. SMITH, Allegheny: That is all right, to have the Chairman of this Committee to turn all those things over to me.

A VOICE: Especially the sewer question.

THE PRESIDENT: It is an assignment for the benefit of creditors intellectual.

EDMUND E. KIERNAN, Somerset: Or appointing him a guardian on all matters subterranean.

EDWIN W. SMITH, Allegheny: We are not ready of course to formulate any legislation upon this sewer question; we only want the idea of the Association as to whether something ought to be done. Now, here is the situation. Somebody went down to Harrisburg and first passed this classification of the townships. I suppose that was all right to work it that way. I believe myself it would have been better to have made a classification of boroughs, and formulate some sort of a rural borough, but it was

thought fit to do it the other way, and the Act was general as to the right of the township commissioners to open roads, lay out roads and construct sewers. It seems that down in Lower Merion Township they wanted to build a system of sewers, and that they adopted the idea that they would issue bonds and then put some sort of an annual charge upon the use of the sewer which would pay off those bonds. They found it did not work out, that the charge they made upon the property owners for paying off the sewers would not even pay the interest on the bonds, and would not pay off the principal at any time. Is that right?

WILLIAM RIGHTER FISHER, Philadelphia: It is approaching the truth somewhat.

THE PRESIDENT: The Chair suggests that the conversation of the gentlemen is quite as interesting to the body at large as it is to themselves, and therefore requests that their tone of voice be loud enough for all of us to hear.

EDWIN W. SMITH, Allegheny: Mr. Fisher suggests that substantially I have given the reason for the legislation. They went to Harrisburg and passed an act that was, I think, clearly a special act, to provide for the accommodation of Lower Merion Township, and that Act authorizes the township commissioners to adopt sewer systems, to construct a sewer on two or three different plans, and then to leave the assessment to viewers to be appointed. They appoint viewers, and these viewers meet and make the assessment, and under the Act there is absolutely no power of appeal, no power of control in anybody. Injury to property is provided for, they file liens. That statute was taken to the Supreme Court and held to be good law. It was, as I said, distinctly special legislation; but they are using it all over the State now, and it seems to me that it is radically wrong; that there ought not to be a system by which the

township commissioners can adopt schemes of sewerage for large communities without some redress in the courts, and all we have in mind is that if this Association found that, in general sewer legislation, there ought to be some right of going into the courts, then we can get along. After awhile, if you approve that far, we will try to see what we can do in the way of formulating something that will provide a proper system of sewer legislation. We have not got anything very definite today; do not want anything definite; but anybody that is acquainted with township laws in relation to sewers knows they are in worse condition today than the road laws in townships.

WILLIAM RIGHTER FISHER, Philadelphia: I think what Mr. Smith has said, or some of his remarks, indicates really what objection there is to taking any action upon the recommendations here made. There is no question whatever that the acts relating to sewers in these townships of the first class are very defective. It so happens that I have carried a very heavy burden of litigation concerning the interpretation and application of those acts, and I may say, while Judge Potter is sitting here, that the Supreme Court in part sustained the contentions that were made against the administration of that act—sustained them in part, and in part threw them down and sustained the action which has been taken under the act, and I may say, very much to my disappointment and without my approval at the time, at least.

Now we have no specific, definite recommendation made by this Committee. I do not know whether my recollection is correct or not with reference to the By-Laws of this Association, but it seems to me that the By-Laws require that an act shall be reported in specific terms. Certainly the By-Laws of the American Bar Association so require. And it seems to me that it is very important that no recommendation of legislation by this Association should

ever be made without having the specific terms of an act before the Association, so as to be sure that the Association knows what it is doing. In a general way I believe in the recommendation here; I believe it is wise, and I think sewer legislation needs revision.

RODNEY A. MERCUR, *Chairman*, Bradford: That is all we ask.

WILLIAM RIGHTER FISHER, Philadelphia: But if the request here or recommendation of this Committee means that we are to approve of revision of that legislation, then I say no; and I would move that the whole report of the Committee on Reform in Township Law be referred back to the Committee, with power to take further action, and to make a report more specific in character at the next meeting of the Association.

Duly seconded, and agreed to.

THE PRESIDENT: The next report for consideration is that of the Committee on the Revision and Amendment of the Penal Laws.

EDWIN M. ABBOTT, *Chairman*, Philadelphia: The Committee on Revision and Amendment of the Penal Laws practically recommends but two things. It recommends that all convicts shall work; that they shall be paid for their labor; that the result of their labor shall be used in the penal and charitable institutions of the State, and that the manner of distribution of the funds which accumulate as the result of their labor shall be left to future legislation. I move the adoption of that portion of the report.

GEORGE WENTWORTH CARR, Philadelphia: I would like to call the attention of the President and members to the fact that we have barely a quorum present. These recommendations affect the penal institutions of the whole State. The recommendations are admirable in their pur-

pose, but is it wise to put ourselves on record by adopting this resolution in the absence of so many of the members who are attending this session? I would, therefore, move that the consideration of the recommendations by the Committee on Revision and Amendment of the Penal Laws be postponed until tomorrow morning.

Duly seconded, and agreed to.

JOHN B. COLAHAN, JR., Philadelphia: I do not think that there is any more regular business for the morning session, but there is a matter that has been called to my attention and which I am afraid may escape my mind. I have a telegram from Mr. Smithers, who requests that I will bring to the attention of the meeting the necessity of making an appropriation for his Committee; that is, for the Comparative Law Bureau. I therefore move that the usual appropriation of one hundred and twenty-five dollars be made to the Comparative Law Bureau, and that the usual three delegates be appointed by the Chair to attend the meeting of the Comparative Law Bureau.

Duly seconded.

THE SECRETARY: I would like to suggest that, in view of the investment which this Association has in the Comparative Law Bureau's publication; that is, the translation of the German Code, we ought to have had some report from the delegates to that Bureau and some report from the Comparative Law Bureau such as we have always heretofore had, giving us some statement with reference to what is the condition with reference to the sale of that book. I remember a year ago it was thought that it would soon be producing some return for the Association.

THE PRESIDENT: Do I understand that the suggestion of the Secretary is that it would be unwise to make the appropriation?

THE SECRETARY: No; I think we should make the appropriation, but it should be accompanied with a request that a report be made so that it can be printed in our Annual Report.

THE PRESIDENT: The motion is that an appropriation of \$125 be made for the Comparative Law Bureau. Are you ready for the question?

The question being as stated by the Chair, it was agreed to.

JOHN B. COLAHAN, JR., Philadelphia: I also move that three delegates be appointed to the Comparative Law Bureau.

Duly seconded, and agreed to.

THE PRESIDENT: The appointment will be made. Is there any further business?

JOHN B. COLAHAN, JR., Philadelphia: I think it is only fair to Mr. Smithers to say that he expected to be here and requested me to apologize to the Chair and the body for his absence.

THE PRESIDENT: The apology is accepted.

EDWARD J. FOX, Northampton: I move that we adjourn.

Duly seconded, and agreed to.

Adjourned.

THIRD DAY, MORNING SESSION

THURSDAY, *July 2, 1914.*

The Association was called to order at 10 o'clock a. m., President CARSON in the chair.

THE PRESIDENT: The Association will please come to order. I take great pleasure in introducing the first speaker of the morning, Mr. Louis Richards, of Reading. He will read a Paper on the subject "Jacob Rush and the Early Pennsylvania State Judiciary."

(For Paper by Louis Richards, Esq., on "Jacob Rush and the Early Pennsylvania State Judiciary," see Appendix.)

THE PRESIDENT: The next Paper will be read by T. Elliott Patterson, Esq., of the Philadelphia Bar. The subject is "The Selection and Drawing of Jurors."

(For Paper by T. Elliott Patterson, Esq., on "The Selection and Drawing of Jurors," see Appendix.)

THE PRESIDENT: The papers are now open for discussion.

THE SECRETARY: Yesterday, just before the close of the sessions the matter of the inquiry of the Grievance Committee was before the body. I especially asked Mr. Hopwood and Mr. McGirr, of that Committee, to be present, and I was told that Mr. McGirr had agreed that he would be present in order that the question might be discussed in the presence of at least one member of the Committee. Apparently he is not here, and therefore, for the same reason which required its passing yesterday, I assume it will have to be passed now.

THE PRESIDENT: Are there any remarks from the floor with reference to Mr. Richards' paper? Any remarks

from the floor on the subject of Mr. Patterson's paper? The Association seems to be very well satisfied with both papers.

Any unfinished business is now in order.

EDWIN M. ABBOTT, *Chairman*, Philadelphia: With your permission I will call up the report of the Special Committee on Revision and Amendment of the Penal Laws. Your Committee, Mr. President and members of the Association, makes two recommendations in its report. And first we recommend that the inmates of all penal institutions should be given steady employment; that they should be paid a fair wage for their employment; that none of the goods made or raised by means of this employment should ever find their way into the open market; that all of the goods made or the products raised should be used in the penal and charitable institutions of the State; that the income which all prisoners should receive as a result of their labors should be distributed (a) towards the cost of conviction; (b) towards the cost of maintenance; (c) towards restitution; (d) towards the support of dependents, and (e) towards accumulating a fund to be used by the prisoner when discharged upon parole or discharged finally at the expiration of sentence.

JOHN B. COLAHAN, JR., Philadelphia: I move the adoption of that recommendation.

Duly seconded, and agreed to.

EDWIN M. ABBOTT, *Chairman*, Philadelphia: The Committee further recommends that it be continued during the coming year and that it further be empowered to act in conjunction with the Commission appointed by the Governor and to assist in the enacting of such legislation by the Legislature of 1915 as will procure the establishment of such a system of Penal Laws.

JOHN B. COLAHAN, JR., Philadelphia: I also move the adoption of the second recommendation.

Duly seconded, and agreed to.

THE PRESIDENT: Is there any further discussion of papers or reports of committees? If not, a motion to adjourn will be in order.

HOWARD W. PAGE, Philadelphia: I move that we adjourn.

Duly seconded, and agreed to.

Adjourned.

THIRD DAY, AFTERNOON SESSION

THURSDAY, *July 2, 1914.*

The Association re-assembled at 3 o'clock p. m., President CARSON in the chair.

THE PRESIDENT: The Association will please come to order. The first item of business is the appointment of delegates to the American Bar Association and the Comparative Law Bureau of the American Bar Association. Admonished by the unhappy fate which overtook the appointees of John Adams in the closing hours of his administration, when his appointees were legislated out of office, the retiring President is going to leave the appointment of these delegates to his successor.

Is there any unfinished business?

GEORGE WENTWORTH CARR, Philadelphia: Yesterday morning when the Report of the Committee on Grievances was reached I offered an amendment to the By-Laws, and it was permitted to go over until some member of that Committee put in an appearance. I do not know whether

either Mr. Hopwood or Mr. McGirr is here. If not, I think we ought to act on that amendment. The Committee on Grievances practically asks in its report for the instructions of the Association as to whether it should give consideration, or should be empowered to give consideration, to complaints made against members of the Bar by those who are not members of the Association. The majority of the Committee expresses no opinion on the subject, but Mr. Simpson and Judge Yerkes favor the extension of such authority to the Committee. Now, in order to bring the matter before the Association, I offer an amendment and if the members present will kindly turn to the report, they will find the By-Law quoted. I propose to amend by striking out the words "by any member" in the seventh line, so that the sentence will read:

"They may also hear any specific complaints made affecting the interests of the profession, the practice of law, or the administration of justice, and may report thereon to the Association, with such recommendations as they deem advisable."

In other words, this is not mandatory but simply permissive, so that if the Committee should be advised of any serious transgression on the part of any member of the profession it would have power to give consideration to that complaint. I do not think that anyone is particularly anxious to make complaints against a brother, or even a sister, in the profession; and yet a serious question might arise which ought to be investigated. If the matter were taken up by a standing committee the members of that committee would feel very much less embarrassment in giving it consideration than they would in asking some member to prefer charges. I cannot see that this change will do any harm, and on some future occasion it might be of value.

THE PRESIDENT: Is there any further expression of opinion. If not, I would, in the absence of vice-presidents, ask Mr. John B. Colahan to kindly take the chair.

(MR. COLAHAN thereupon took the chair and the President descended to the floor.)

HAMPTON L. CARSON, Philadelphia: Mr. Chairman and brother members of the Association: Here is a report from the Committee on Grievances on a matter which affects the discipline of our profession. Owing to an unavoidable engagement the Chairman of that Committee has not been able to be present. There are other members of the Committee, however, who were present and who promised to be here in order to attend to a discharge of duty, and every member of that Committee is absent at this hour. Presidents may come, and presidents may go, and the responsibility rests upon them for a comparatively short time, but to the man who is the real wheelhorse and the linch-pin of this Association—that faithful, ever zealous and attentive officer, the Secretary—it is an act of rank injustice for members of committees charged with responsible duties to absent themselves either on the water or on the land, unconscious of the increasing weight of responsibility which rests upon him; and without the assistance of committees the proper discharge of his duties is rendered ten times heavier. I feel that the time has come for a candid expression of opinion from one retiring from the chair, who has seen something during the past year of the responsibilities resting on the officers of this Association, in order that it shall be understood that when men are appointed to committees and accept their membership, it entails a solemn responsibility which they are not at liberty to ignore. No one knows, except one who toils beside the Secretary, how burdensome these duties are. It is not merely correspondence; it is not merely the keeping of minutes; it is not merely the preparation of drafts of an orderly conduct of business; it is not only interviews with members of committees and attention to infinite details; it is the still more disagreeable duty of attempting to round up—to use the

expressive words of a western corral—to round up the members in the performance of their duty.

Now I cannot see why, when a business as important as that which relates to the honorable public performance of our duties as members of a high profession, a Committee on Grievances, lawyers are thought to be too indifferent to the censorship of their own profession, or when a recommendation comes from a committee as intelligent as the members whose names Mr. Carr has mentioned, asking for an enlargement of their power so that they may listen to perhaps well-grounded complaints, may be from people stung by necessity or wronged by injustice and unable to secure a statement of their case before the Committee from the lips of some member of his profession, that under such circumstances it should have the power that is asked for here. I therefore second Mr. Carr's motion and ask that this Committee be empowered as recommended.

LOUIS RICHARDS, Berks: I would simply like to ask Mr. Carr one question, and that is how the proposed action upon the Report of the Committee on Grievances could affect the By-Laws. This is rather a provision in the By-Laws which extends the authority of the Committee of Censors or the Committee on Grievances to examine into the conduct of members of our profession outside of the Association.

(At this point President CARSON resumed the chair.)

GEORGE WENTWORTH CARR, Philadelphia: In answer to the inquiry, perhaps, for the information of some who may not have been here yesterday, I had better read the whole By-Law.

THE PRESIDENT: Very good, sir.

GEORGE WENTWORTH CARR, Philadelphia: Section 33 of the By-Laws reads as follows:

"The Committee on Grievances shall consist of five members. They shall hear all complaints preferred by one member against another for misconduct in his relations to the profession or to this Association, provided the same be in writing, particularly stating the matters complained of, and signed by the complainant. They may also hear any specific complaints made by any member affecting the interest of the profession, the practice of law or the administration of justice; and may report thereon to the Association, with such recommendations as they deem advisable. No report shall be made adversely to any member until after notice to him, with full opportunity to defend and to meet his accusers and witnesses face to face. The adverse action of this Committee must be approved by a vote of not less than two-thirds of the members present and voting. What occurs at the meetings of this Committee shall be considered confidential except such matters as shall be publicly reported to the Association."

Now my motion is to amend the third sentence in that By-Law by striking out the words "by any member"; and then, next year, as the result of the year's experience, if such complaints should be made, the Committee itself would be better informed and could recommend such changes in the By-Laws as might be necessary.

LOUIS RICHARDS, Berks: I think that is the proper way to reach the point, that the By-Laws should be amended so as to cover the cases contemplated by the Committee on Grievances. The By-Laws should be clear on the point as to whether complaints should be received exclusively against members of the Association or against any member of the profession.

GEORGE WENTWORTH CARR, Philadelphia: May I answer Mr. Richards? The draftsman of this By-Law evidently contemplated the possibility of complaints being made against others than members of the Association, but restricted the complaints to complaints by members of the Association, because the By-Law says, "They may also hear any specific complaints made by any member affecting the

interest of the profession, the practice of law or the administration of justice." That would necessarily include the conduct of any one engaged in the practice of law. By striking out the words "by any member" the By-Law would provide that anyone who had a grievance or had knowledge of any unprofessional conduct on the part of anyone engaged in the practice of the law may lay that complaint before the Committee, and then the Committee has the permission of the Association if, in its judgment, it deemed the complaint of a serious character, to make an investigation.

LOUIS RICHARDS, Berks: Would it not be altogether preferable to so modify the language of the By-Law itself by proposing an amendment to it as clearly to include the object that the Committee on Grievance has in view, namely, the hearing of complaints of unprofessional conduct on the part of any member of the profession, regardless of the fact whether such person belongs to the Association or not? The By-Law in its present shape is not very clear on that point, but it should be made clear. If an important alteration in the purview of its committees is to be instituted, I think the proper way would be to move an amendment to the By-Law, and that would have to lie over for action until the next meeting.

THE PRESIDENT: Is there any further debate? Does the Chair understand the gentleman from Berks raises a point of order to Mr. Carr's motion?

LOUIS RICHARDS, Berks: Substantially so. If the report of any committee is in conflict with or in derogation of the By-Laws, or falls short of answering the purpose of any By-Law, I think that the proper course to pursue would be, not the adoption of the report of the committee, but a proposition to amend the By-Law itself to include the proposition which the committee has endorsed. I think the proper way therefore would be to propose at this meeting

an amendment of the By-Laws in such words as would clearly comprehend the purpose of the Committee on Grievances, if such amendment is acceptable to the Association.

THE PRESIDENT: Is Mr. Carr's motion a motion to amend the By-Law?

GEORGE WENTWORTH CARR, Philadelphia: My motion is to amend the By-Law by striking out the words referred to.

JOHN B. COLAHAN, JR., Philadelphia: Has the proper notice been given?

GEORGE WENTWORTH CARR, Philadelphia: Notice has not been given. We are in this peculiar situation: the Committee on Grievances did not present its report until this meeting and therefore no notice was given to anyone of a proposed amendment prior to the meeting itself. The By-Laws, however, provide for the consideration of amendments upon the unanimous consent of the members present at any particular meeting. When I offered the amendment yesterday no one objected, as I understood, to its immediate consideration. It was received and, I take it, it is therefore before the house.

THE PRESIDENT: Is there unanimous consent to the reception of Mr. Carr's motion to amend the By-Laws by striking out the words indicated? As I hear no dissent, and notice having been given in the report, the report cannot fail simply through the absence of the members of the Committee. Are you ready for the question on the amendment proposed?

(Calls for the question.)

The question being upon the motion to amend the By-Laws by striking out of Section 33 the words "by any member" in the third sentence so that it shall read as follows:

"SECTION 33. The Committee on Grievances shall consist of five members. They shall hear all complaints preferred by one member against another for misconduct in his relations to the profession or to this Association, provided the same be in writing, particularly stating the matters complained of, and signed by the complainant. They may also hear any specific complaints made affecting the interest of the profession, the practice of law or the administration of justice; and may report thereon to the Association, with such recommendations as they deem advisable. No report shall be made adversely to any member until after notice to him, with full opportunity to defend and to meet his accusers and witnesses face to face. The adverse action of this Committee must be approved by a vote of not less than two-thirds of the members present and voting. What occurs at the meetings of this Committee shall be considered confidential except such matters as shall be publicly reported to the Association."

It was unanimously agreed to.

EDWARD J. FOX, *Chairman*, Northampton: I beg to present the following report:

SUPPLEMENTAL REPORT OF THE COMMITTEE ON ADMISSIONS

The Committee on Admissions beg leave to report the following additional names for membership:

WM. F. RORKE, Philadelphia
GEORGE C. BRADSHAW, Allegheny
JOHN E. LAUGHLIN, Allegheny
LEWIS R. BOND, Bucks
JOSEPH CARSON, Philadelphia
MARION D. PATTERSON, Blair

JOHN B. COLAHAN, JR., Philadelphia: I move the election of the nominees of the Committee on Admissions to membership in this Association.

Duly seconded.

The question being upon the motion of the gentleman from Philadelphia it was unanimously agreed to; where-

upon the President declared the gentlemen whose names were reported by the Committee on Admissions duly elected members of this Association.

THE PRESIDENT: Is there any further unfinished business? If not, New Business is now in order.

RODNEY A. MERCUR, Bradford: I have been requested by the Committee on Nominations to present their report, which is as follows:

The Committee on Nominations unanimously agree in recommending for election as officers of this Association for the ensuing year the following:

VICE-PRESIDENTS

ROBERT W. IRWIN, Washington
HAROLD M. McCLURE, Union
S. J. STRAUSS, Luzerne
LOUIS RICHARDS, Berks
WILLIAM H. KELLER, Lancaster

SECRETARY

WILLIAM H. STAAKE, Philadelphia

TREASURER

SAMUEL E. BASEHORE, Cumberland

EXECUTIVE COMMITTEE

O. B. DICKINSON, Delaware
A. L. COLE, Clearfield
W. A. CHALLENGER, Allegheny
W. RUSH GILLAN, Franklin
ROBERT A. STOTZ, Northampton
ALBERT W. JOHNSON, Union
CASPER DULL, Dauphin
FREDERICK J. SHOYER, Philadelphia
PETER M. SPEER, Venango
CLARENCE E. SPROUT, Lycoming
HAROLD B. BEITLER, Philadelphia
A. B. SMITH, JR., Susquehanna

DON ROSE, Allegheny
PAUL BEDFORD, Luzerne
JOHN S. RILLING, Erie
HOWARD W. PAGE, Philadelphia
AGNEW HICE, Beaver
EMERSON J. CLEVELAND, Bradford
MICHAEL S. NILES, York
THOMAS H. GREEVY, Blair
JOHN M. RHEY, Cumberland

JOHN B. COLAHAN, JR., Philadelphia: I move that the Report of the Committee on Nominations be accepted and that the Secretary be instructed to cast the ballot of the Association for the gentlemen named for the various offices by that Committee.

THE SECRETARY: I have not the slightest objection to casting the ballot for all of the persons named except one; but as to that one, namely the gentleman who has been again so graciously nominated for the office of Secretary, I feel that I cannot conscientiously cast a ballot for him; and while, until his successor is elected, he may continue in the performance of his duty and cast the ballot for the others named, and does so cast the ballot of the Association, the present Secretary does feel that, having now served at fourteen Annual Meetings of this Association, and having observed that apparently—he does not say that his judgment is positively accurate—but it does seem to the Secretary that there has been some decrease of interest upon the part of the membership of the Association. That is, there has apparently been some failure upon the part of the individual members to read, to ponder, to study and to understand what are the real objects of this Association. There are a number of reasons why the present Secretary feels that it is not just, right and proper for him to continue in that office. He would say, in the first place, that when, by the grace of the then Executive of the Commonwealth he assumed judicial office, he at once determined that he would surrender the trust which had been confided

to him by this Association. Governor Pennypacker, who appointed him, however, accompanied his commission with a letter requesting that whatever offices of quite a numerous list of offices which the Secretary then filled and which he felt he would have to surrender, were relinquished, he desired that he should continue in the office of the Secretary of the Pennsylvania Bar Association. The Secretary felt very much honored and complimented by at once receiving from various parts of the Commonwealth letters asking him to continue in the office of Secretary. If the Association is to be composed of earnest men having a love for the profession, a love for right government, an interest in the purposes and objects of the Association as set out in the Charter and the By-Laws, one would feel it almost a religious duty to spend and be spent in trying to assist in carrying out the objects of such an Association. If, however, the Association is to become an annual picnic or an annual excursion, picnics and excursions can be had at any time. Almost every neighborhood affords an opportunity for such exercise and enjoyment, and no man has a greater interest in such things than has the present Secretary of the Pennsylvania Bar Association. His labors in behalf of public playgrounds are sufficient evidence of that. But to perform the labors—the arduous labors—from almost the beginning of each particular Association year until the assembling of the next meeting of the Association, and then to feel that, with a membership of some eleven hundred in the Commonwealth, we are having probably at this meeting less than one-fifth of the membership actually in attendance, and then of that one-fifth only a fraction who are really in attendance at the sessions, and who come here with some consecration of purpose, with some intelligent idea that they have a duty to perform and that they are the representatives of the profession in asserting its dignity and its power in the Commonwealth, for the good of the Commonwealth—to find that the members do not appar-

ently do anything except simply to come here and wind up with a banquet, the present Secretary really feels that he owes it to his judicial office, owes it to his family and to himself that he should not spend and be spent and have the demand made upon him from the beginning of each year until the end of the year under existing circumstances, and therefore he feels constrained—conscientiously constrained—to decline a reelection as Secretary.

JOHN B. COLAHAN, JR., Philadelphia: There is probably no member of this Association who knows more of or has a more perfect intimate acquaintance with the labors of the gentleman who is endeavoring to resign, or to decline a nomination for the Secretaryship. His plea is the strongest argument for his retention. No man in this body has a better conception of the purposes and end of the Pennsylvania Bar Association, and no other man in this body than I has had a better opportunity to see and know the value of his services. Side by side we have worked from the beginning almost to this day, and we cannot afford to lose his labor or his mentality. It would be a grievous loss to this body, and nobody knows it as well as I. I began with the beginning. I served on the Executive Committee for years, I had the honor to serve as President, I have been Vice-President over and over again, and I have been on the Committee of Arrangements from the foundation to this day. I know full well that the Secretary is doing more work than he ought to do, but I do not know the man to take his place. This thing is sprung so suddenly we ought to debate it; we ought to consider seriously the man who is to take his place, as he is really the executive officer of this body. Let us persuade him to remain where he is for at least another year, and let us stand by him and help him.

LOUIS RICHARDS, Berks: In view of the extreme importance of the selection of a Secretary, in case the present Secretary should decline reelection, the matter being one of

great importance both to himself and this Association, I would suggest, perhaps move, that the Secretary be requested to postpone his declination of the office until the next meeting of the Association, and that he be directed to withdraw his declination. The thing is this, if the Secretary's declination is a matter which he has maturely considered, it would be very unfortunate if the selection of a successor would be cast upon this body without any opportunity whatever of canvassing the qualifications of his successor. It is a serious question. As Mr. Colahan has said, no person in the Association could be found who would be more competent to fill that office than our present faithful Secretary, and if we are called upon at this meeting to fill the office it would be very unfortunate. That was the reason why, if the Secretary is really sincere in his purpose of declining, I would suggest that his proposed declination be postponed.

JOHN B. COLAHAN, JR., Philadelphia: I think he will withdraw it.

LOUIS RICHARDS, Berks: I am in favor of electing him perpetually. What I have said is not to be understood as any criticism of him, but simply out of regard for his expressed opinion.

GEORGE R. BEDFORD, Luzerne: It would be a matter of universal regret to part company with Judge Staake. I move that we for the present ignore his declination and that Mr. Rodney A. Mercur be authorized to cast the ballot of the Association for William H. Staake as Secretary.

C. LARUE MUNSON, Lycoming: I move to amend that by saying that the voting be done by rising.

Duly seconded.

THE PRESIDENT: It is moved and seconded that Rodney A. Mercur be authorized, instructed, to cast the ballot

of the Association for William H. Staake as Secretary of this Association for the ensuing year, and that the vote be taken by rising.

The question being as stated by the Chair, it was unanimously agreed to.

RODNEY A. MERCUR, Bradford: I take the greatest pleasure in casting the vote of the Pennsylvania Bar Association in favor of the Hon. William H. Staake as Secretary of the Association for the ensuing year.

THE PRESIDENT: Mr. Mercur having cast the ballot of the Association for the nominee of the Committee as Secretary, and the Secretary having cast the ballot of the Association for the nominees of the Committee on Nominations for the other offices of the Association, I declare these gentlemen duly elected to the respective offices for the ensuing year.

WILLIAM H. STAAKE, Philadelphia: Of course I cannot fail to appreciate what is intended as an expression of recognition of my services in the past, and under the circumstances I will not decline the reelection today, but I will hold the matter of my continuance in the office of Secretary under advisement, and if, after mature consideration, I determine that I ought not to continue, I shall ask the Executive Committee to elect my successor. Whether that will be in thirty days, or sixty days, or ninety days, or whatever be the date, I do appreciate that you have not the time or opportunity now of possibly selecting the right man for the place. In view of that I will not insist on my declination now, but I do serve notice that I have a string tied to the proposition.

GEORGE R. BEDFORD, Luzerne: I want to offer a resolution under the head of New Business. I think we have all been impressed with the very marked and exceptional social attentions tendered to members of this Association

by the judges, lawyers and citizens of Erie, and I think we ought to make some recognition of that, and I therefore offer the following resolution:

"Resolved, That the thanks of the Pennsylvania Bar Association are hereby tendered to the members of the Bench and Bar of the County of Erie and to the citizens of Erie in appreciation of the many and continued courtesies shown to the members of this Association during the session now about to be brought to a close."

RODNEY A. MERCUR, Bradford: I second the motion, after amending that the vote be taken by a rising vote.

The question being on the resolution as amended, it was unanimously agreed to.

GEORGE R. BEDFORD, Luzerne: Mr. President: We are now about to select one of our number to fill the executive chair for the ensuing year. Under our unwritten law, and it is part of the traditions of this Association from the very beginning, no one can seek this position. If it comes at all it must come unsought and unsolicited. The position is one of distinguished honor, and may well fill the measure of any lawyer's ambition. The man I have in mind is a distinguished lawyer, a leader of the Bar, and by his varied legal attainments, by his rank in his profession, by the loyal service that he has ever rendered to this Association, we may be well assured that he will prove a most worthy successor to the twenty presidents who have in turn presided over the deliberations of this Association. While by his selection we will confer honor upon him, I feel that we will at the same time confer honor upon ourselves.

I take great pleasure in nominating for the office of President of the Pennsylvania Bar Association Henry J. Steele, of Northampton.

RUSSELL C. STEWART, Northampton: Mr. President and gentlemen of the Bar Association: On behalf of all the members of the Association in Mr. Steele's home county

of Northampton, I desire to second his nomination as President of this Association. It gives me the greatest personal pleasure to stand here, conscious of the fact that this position of President of the Pennsylvania Bar Association is one that every lawyer of the State should be proud to attain, to present the name of a man that I have known for thirty-six years; a man whom, I feel, will meet every requirement of the most exacting member of this Association or of the profession. Mr. Steele and I studied law together. The office of his preceptor was in the same building as the office of my preceptor. I soon found that he was most studious and most attentive to the study of law. He was admitted to the Bar within a few months after I was admitted. He had to wait to present his petition until he was twenty-one years of age, and on his birthday the petition was presented to the Court and he was admitted to the Bar of our county. I do not think that he ever for a day lacked clients, because the people of our county saw that Mr. Steele was prepared to transact their business and that he was devoted to his profession; so that in a few short years he became one of the leading members of the Bar. If any of you are curious to know what the Supreme Court thought of Mr. Steele when he had but a few years' experience, turn to the case of *Morrison vs. Bachert*, 112 Pa. 322, which involved a constitutional question, and one of the very nicest compliments ever paid a lawyer is found in the opening sentences of Mr. Justice Paxson's opinion in that case. You remember that in 1890 there was a demand for a new Constitution of the State and that the Legislature in 1891 submitted to the people two questions—shall we have a new Constitution, and who are to be the delegates to the Constitutional Convention? Our Bar selected Mr. Steele as the representative from our Senatorial District. He was placed in nomination and although the people voted against the holding of a Constitutional Convention in that year, yet Mr. Steele received the election

as a delegate, a very great honor when you look over the list of eminent men selected from different parts of the State to that convention. He has never been an office-holder. He has never been a seeker after office. He is not much of a politician, but for three terms he was our City Solicitor, and we never had a better City Solicitor. In this year, when there was a peculiar exigency in public affairs in our Congressional District, although the National Administration was arrayed against him, Mr. Steele was prevailed upon after the campaign was opened, to allow his name to be used for the congressional nomination, and so highly was he regarded as a lawyer and public citizen that he received a tremendous majority at the primary election; and you all know that in our district that is equivalent to his election to Congress.

I have had an opportunity of measuring swords with Mr. Steele in many a legal contest. Since I have been on the Bench I have had the opportunity of quietly observing his methods, and I want to say that there are few lawyers that have better facility in at once getting at the legal principle applying to the facts in the case, and there are very few lawyers that understand how to state their position in fewer words, and with greater force, than Mr. Steele. His manner at the Bar should be a model for every lawyer. Just the same generous, affable man that you know he is at our meetings, so he is everywhere, in Court, and out; and he has endeared himself in the affection of all the members of our Bar and of the Bars of the eastern counties of the State, so that I know they all will feel that you have conferred not only an honor upon him, but upon them if you elect him to this high position. Mr. Steele is not only a lawyer, but he is a public-spirited citizen. He was for years a member of our School Board. He was the first and only President of the Trustees of our Public Library. He has been honored by a degree of A.M. from Lafayette College. He is President of the Northampton Trust Company

and is connected with many of our leading business and benevolent enterprises. It seems to me that his prominence as a citizen, his ability as a lawyer, and the interest he has taken in the Association from the very start, all those various qualities entitle him to this position to which he has just been nominated.

OWEN J. ROBERTS, Philadelphia: I would like to rise and second the nomination of Mr. Steele in just one word. I think that, in an association of this sort, men are quite as important as measures, and I think that the best evidence of what this Association stands for, for the Bar and for the public, is the character of the attainments of the twenty men who have held the office which you, Mr. President, are now about to give up. It is not only professional attainment, however, that warrants a man's holding that office; it is professional attainment and high character, and we ought to look carefully to the selection of our presidents, because they stand before the Bar and before the community as the representative of the ideal of this Association. Ever since I have been a member of the Association I have known of Mr. Steele and known of his activities, giving to the Association; as we all know he has, a leader amongst the best the Bar of Pennsylvania has produced, and that in his character and in his attainments he is thoroughly worthy to carry the standard which you shall lay down at this meeting. I, therefore, on behalf of the Bar of Philadelphia, take the greatest pleasure in seconding the nomination of Henry J. Steele, of Northampton.

HARRY J. SHOEMAKER, Bucks: On behalf of the profession of Bucks County, adjoining the county of Mr. Steele, I heartily second his nomination.

THE PRESIDENT: Are there any other nominations? If not, nominations are closed and all those in favor of

the election of Henry J. Steele, of Northampton, as the President of this Association will show their assent by rising.

(Every member rising, the President continued):

I therefore declare Henry J. Steele duly elected President of this Association and I appoint Messrs. Bedford, Stewart, Roberts and Shoemaker as a committee to conduct Mr. Steele to this platform.

EDWARD J. FOX, Northampton: May I offer a resolution while that committee is discharging its duty?

Resolved, That the Committee on Law Reform be directed to consider the advisability of a change in the Equity Rules so as to obviate the necessity of specific exceptions to each finding of fact and law, and the consequent duplication thereof in assignments of error; and that in connection therewith the Committee also consider the practice in trials by the Court on the law side of the Court, and in the Orphans' Court on exceptions to auditors' reports.

JOHN B. COLAHAN, JR., Philadelphia: I take great pleasure in seconding that resolution.

The question being on the resolution offered, it was agreed to.

HENRY C. NILES, York: I desire to bring to the attention of the Association a matter that occurred to some of us as of some importance. This Association listened to the Annual Address of the President with great interest and profit in its suggestiveness and its scholarly character. We were disappointed in only one particular in regard to it, namely, that it ended with John Marshall's time substantially, and we know that the President has continued the application of the historical principles and tendencies described by him in so scholarly a manner in the address in an address before the Bar Association of Virginia last year, and I therefore move that the Honorable Hampton L. Car-

son, the retiring President, be requested to allow this Association to print with his address delivered here on Tuesday the address upon the same subject delivered by him before the Virginia Bar Association, and that the same in such form as Mr. Carson shall approve, be embodied in the report of this meeting, which will make a very complete item for permanent preservation in our library and the libraries of the profession of the State.

Duly seconded.

THE SECRETARY: While I am heartily in favor of the object of the motion made by the gentleman from York, at the same time I fear that we are going the wrong way about it. It had been my purpose and intention, after reading the paper presented by our retiring President before the Virginia Bar Association, to ask either the Association or its Executive Committee at its meeting this afternoon to take the necessary steps to obtain the consent of the Virginia Bar Association whose property that address probably became, to have us incorporate it in our report in connection with the Address presented at this meeting. But I feel that where an address has become a part of the records of another Bar Association we should first address ourselves to the officers of that Association. Undoubtedly they will be only too glad to have the address given the additional circulation in our Annual Report. That has been the case with reference to other bodies, as for example, in reference to addresses delivered before this Association, when Judge Gray delivered his address as the honorary orator at Bedford Springs on "The New Federalism," there were many thousands of copies of that address—with the consent of this Association, which consent was asked and given—printed and distributed in this country. I should think that the proper way would be that either the Secretary or the Executive Committee should be requested to take the necessary steps to procure the consent of the Bar Association of

Virginia to the publication by the Pennsylvania Bar Association in their forthcoming report of the address which is already in their Annual Report, on account of its intimate historical and legal connection with the subject matter of the Address presented on Tuesday afternoon by our President. If that could be considered as a part of the motion—or I would be glad to have Mr. Niles incorporate it—and I will take the liberty then of putting the question instead of the retiring President on that motion.

HENRY C. NILES, York: I do accept that, and add to my motion the clause: After the permission of the Virginia Association be obtained by our Executive Committee.

THE SECRETARY: Is the Association ready to vote on the motion of Mr. Niles as amended?

The question being upon the motion as amended, it was unanimously agreed to.

THE PRESIDENT: I can only express my appreciation of the very unusual honor which has been conferred, particularly as no one of you has read that address, and you therefore do not know what you are doing.

(The newly elected President was then escorted to the platform by the Committee appointed for that purpose.)

GEORGE R. BEDFORD, Luzerne.: Mr. President: We present Mr. Henry J. Steele, the new President.

THE PRESIDENT: Mr. Steele, you have been chosen by the unanimous voice of your brethren, members of this body, to an office which no man can seek and succeed in the seeking, an honor which is the highest gift in the power of your profession to bestow. And in surrendering to you this gavel, I do so with the assurance that to truer or to better hands it cannot be committed.

PRESIDENT STEELE: Mr. President and members of the Pennsylvania Bar Association: It has been generally recognized, as just stated by the retiring President, that the greatest honor which the members of the Bar in the State can confer upon any of the members of this Association has just been conferred upon me. For this evidence of confidence I beg leave to express my sincere gratitude. Coming, as it does, as the voluntary act of the members of a great and liberal profession in the greatest State of this nation, I can assure you that I appreciate it beyond any political preferment.

The custom of the Association limits me at this time simply to an acknowledgment of this honor, without any discussion of the achievements or purposes of the Association, and I therefore say to you that the honor is most cordially accepted, and that it shall be my aim to administer the office so as to attain the high purposes of the Association as set forth in its By-Laws.

Is there any further business?

THE SECRETARY: There is the matter of the appointment of delegates to the meeting of the American Bar Association on October 20th, 21st and 22d next, and also the appointment of delegates to the Bureau of Comparative Law of that Association. That has been referred to the incoming President. But in view of the time of the meeting of the American Bar Association, I would take the liberty of suggesting that that matter be left open until we can definitely ascertain the names of our members who will surely attend both of those meetings—the meeting of the American Bar Association and the meeting of the Bureau of Comparative Law.

FREDERICK J. SHOYER, Philadelphia: I desire to offer the following resolution:

Resolved, That a special committee of five members of this Association be appointed by the President to receive complaints

and evidence in support of complaints against corporations or individuals, including Notaries Public, and Commissioners of Deeds, practicing law without authority, and to make such recommendations to the Association as shall prevent such practices.

We have a Committee on Grievances, which Committee is charged with the duty of investigating, and, as far as it can, administering a correction for practices unbecoming members of our profession. But it seems—and this matter has quite recently been called to the attention of the New York County Bar Association—that there are corporations and individuals as well throughout the Commonwealth who are engaged quite extensively in the practice of the law without authority, and I feel that it is time that the Pennsylvania Bar Association take some official notice of this condition, not only as due to the profession and its members, but also as due to the public itself that impositions shall not result by these unlawful practices. I therefore move the adoption of this resolution.

Duly seconded, and agreed to.

OWEN J. ROBERTS, Philadelphia: At the request of the retiring Executive Committee, I move that the present Special Committee on Increase of Membership of the Association, which was appointed by the retiring President at the meeting of the Executive Committee last December, be continued as a Special Committee of this Association to report at its next Annual Meeting.

I have but a word to say in support of that motion. The Committee has been very efficient. It has not had a long time to work, and yet it has presented something over one hundred new names. Mr. Shoyer, of Philadelphia, is the Chairman of the Committee as it now stands, and he has been working with members throughout the State, and if given a reasonable opportunity to work during the coming year I believe very much better results can be obtained.

The Executive Committee requested me to make this motion on the floor of the Association.

Duly seconded, and agreed to.

HAROLD M. McCLURE, Union: I have a matter I would like to bring before this Association. It is of such importance, however, that I scarcely feel like taking it up before so few members. I, like the honored Secretary of this Association, think that we are not here on a junket or a picnic, that we never have been at any of our meetings, and never ought to be, and I go farther and say that if we neglect to perform our duties as members of this Association, and by our indifference fail to maintain the high standing to which it has attained, then we had better close the shop.

Let us not deal with trifles, but with something of importance. We are here, if possible, to reform the law; we are here, if possible, to improve the administration of justice; we are here, or should be, if possible, to relieve the judiciary from non-judicial duties. As a member of the judiciary of Pennsylvania for twenty years, and being now out of it, and never expecting to get in again, I think I can talk with the utmost candor and know I can assign good reasons for the motion which I shall make.

In 1720 the Courts of Quarter Sessions were burdened with the granting of liquor licenses. That a Court should be called upon to decide whether Olschefski or McGroarity should sell whiskey, and where he should sell it, is unique in the United States. That is a non-judicial function, and had I been on the Bench when that duty was first assigned to a judge, only a mandamus would have compelled me to act. In those days it might have been well enough. But times have changed and the character of the people of Pennsylvania has changed with them. There are districts in the State of Pennsylvania, strange as it may

seem to some of you, where Mr. Thomas Sapsea—who Dickens tells us was the purest jackass in Cloisterham—could defeat John Bannister Gibson for a judgeship, provided Mr. Thomas Sapsea announced his platform in favor of granting liquor licenses to all who might apply; and there are other districts where he would be equally successful if he proclaimed himself in favor of refusing all licenses. The time has come when that should stop. The time has come when we should remove from the Bench this awful burden thrust upon it. It is a disagreeable duty at best. In great numbers of cases by no process of reasoning can a judge justify his decisions, hence the law is administered in almost as many ways as there are jurisdictions in the State. If you think this is not of importance consider what one of the leading judges, a judge of the highest standing in the Commonwealth, declared when he signed an order granting a license. He said, "I have now dug my political grave"; and he did so. Why? Simply because he courageously interpreted the law. Now, the question is, do we regard the granting of these licenses of more importance than we do the integrity, the uprightness, the scholarship and the independence of the judiciary of Pennsylvania? If we do, let us keep it up; if we do not, let us cut it out. They say: Why, it will not do to put it in the hands of anybody else; the people will not trust any other tribunal. Is that a good argument? If in New York and New Jersey and Ohio, in nearly all the other States of the Union it can be trusted to other hands, is it true that in Pennsylvania we can trust nobody to hand out these licenses but the judiciary, and must the judiciary be bound and tied to the performance of such an irksome duty as that to its degradation? Not at all. There is no reason why County Commissioners could not decide all the weighty questions that come up before the License Court. I move you, Sir, that the Committee on Law Reform be requested to report at the

next meeting on the advisability of removing the granting of liquor licenses from the Courts of Quarter Sessions of the Peace of the Counties of the State of Pennsylvania.

Duly seconded.

HENRY C. NILES, York: It does not seem to me that matter ought to be referred to the Committee on Law Reform. It ought to be referred to a special committee. It is in the nature of a political rather than a legal question; I take it, a question of general policy, and I would amend by saying that it be referred to a special committee of five.

FREDERICK S. DRAKE, Philadelphia: The people will probably have something to say about that the coming fall, when I hope the matter will be settled. But I think the granting of licenses ought to be taken away from the judges, and I hope that the Bar Association is brave enough to express its opinion now. I think it would be better to have a special committee than the Committee on Law Reform, and I heartily second the amendment.

HAROLD M. McCLURE, Union: I will accept any amendment to bring about a speedy reference of the question to a committee.

The question being on the motion as amended, it was agreed to.

THE PRESIDENT: If there is no further business a motion to adjourn is in order.

JOHN B. COLAHAN, JR., Philadelphia: I move that the Association do now adjourn.

Duly seconded, and agreed to.

Adjourned.

THE BANQUET

The culmination of the Annual Meeting of the Association is the banquet. Those who were privileged to be participants in this feature of the Twentieth Annual Meeting will bear testimony that it was a good and glorious thing to have been one of the diners at The Lawrence on this eventful occasion. It is only necessary to print the Toast Page of the souvenir menu and to state that there were no omissions or substitutions, but each postprandial orator and singer "made good" in every respect, to evidence what a genuine pleasure was lost by those who were not present.

TOASTS

The Toastmaster Honorable Hampton L. Carson
Retiring President
Philadelphia

"As I think, his age some fifty, or, by'r-lady, inclining to three score."

—I HENRY IV, ii, 4.

The United States of America Honorable Robert W. Irwin
Washington

"Fearless of what's past, present, or to come."

—MEASURE FOR MEASURE, iv, 2.

The Commonwealth of Pennsylvania
Honorable John Kinley Tener
Governor of the Commonwealth

"Let men say, we be men of good government."

—I HENRY IV, i, 2.

Music—"A Few Irish Songs" Joseph A. Hanley

The Judiciary Honorable Alonzo T. Searle, Wayne

"I must be content to bear with those that say you are reverend grave men."

—CORIOLANUS, ii, 1.

Music—"Song" Mrs. Georgia French Brevillier

The Bar William M. Hargest, Esquire, Dauphin

"Ye speak like honest men, (pray God, ye prove so!)"

—HENRY VIII, iii, 1.

The Ladies U. G. Rossiter, Esquire, Erie

"Sigh no more, ladies, sigh no more;

Men were deceivers ever."

—MUCH ADO ABOUT NOTHING, ii, 3.

Digitized by Google



GEORGE W. WICKERSHAM

BY ADL
A D

An address before the
By HON GEORGE

Ad over the ...
of society and go
England, despite its
aristocracy, has gone to
other countries, ...
it immediately responsive to
Spain, ...
In ...
those ...
Revolution, ... J. J.
from the small ... of ancient
initiative, the re ... and the ing
provisions requiring ...
of officials of govern ... exercise of
universal law ...
including ...
only law ...
of law ...
and ...
na ...
ment of ...

So rapid ...
of governmental structure ...
pressed by some, that the ...
swiftly towards the inevitable cataclysm ...
history has been the ultimate result of unrest ... popular
government, out of which ... has arisen a ... abso-
... In this connection ... has been drawn to the



GEORGE F. W. WICKERSHAM

APPENDIX

GOVERNMENT BY ADMINISTRATIVE COMMISSION, A DEMOCRATIC PARADOX.

An address before the Pennsylvania Bar Association, June 30, 1914

By HON. GEORGE W. WICKERSHAM, of New York

All over the world, the process of the democratization of society and government steadily is making headway. England, despite its historic ornaments of royalty and aristocracy, has gone further, perhaps, than France or any other country in so moulding her government as to make it immediately responsive to popular feeling, while Italy, Spain, and even Germany, are following closely on her heels. In our own country, the introduction, as new discoveries, of those aids to popular government which the French of the Revolution, at the instance of J. J. Rousseau, borrowed from the small communities of ancient Greece—such as the initiative, the referendum and the imperative mandate; provisions requiring the nomination, as well as the election of officials of government by the exercise of a suffrage made universal by including women; the recall of all officials, including judges, by popular vote, to make sure that not only lawmaking, but the interpretation and the enforcement of law shall constantly accord with the popular will;—these, and other incidents to purely popular government have made rapid headway as parts of the constitutional government of an increasing number of States of the Union.

So rapid has been the spread of these modifications of governmental structure, that fears have been openly expressed by some, that the cycle of Democracy is running swiftly towards the inevitable cataclysm which in all past history has been the ultimate result of unrestrained popular government, out of which always has arisen a new absolutism. In this connection, attention has been drawn to the

increasing tendency of our people to follow individual leadership, condoning all faults of method, manners or morals, in admiration of a dominating personality, and the complete subjection of the present Congress of the United States to the will of the President, is pointed to as an illustration of that spirit of indifference to the fundamental principles of Republican government, which prepares the way for the overthrow of free institutions and the substitution of a powerful executive in the place of the distributed powers of government among equal and coördinate branches, by which alone, it long has been thought, true popular liberty can be preserved.

But it is a curious characteristic of Anglo-Saxon institutions that they are never developed to their logical conclusions. The rigid logic which finds expression in the Code Napoléon and other systems of Continental Law, has never characterized the development of the institutions of English-speaking peoples. The common law was but the judicial expression of the popular conception of right conduct in the affairs of daily life colored, it is true, from time to time, by the interests of a dominant class, but on the whole, expressive of the best ethical standards of all the people, and in its unwritten character flexible enough to meet their changing needs, except in the comparatively rare instances where the Legislature intervened to furnish new rules to meet new conditions which demanded more immediate remedies than the slow process of judicial construction could supply.

While the ideal of English jurisprudence always has disclaimed a power in the judges to make the law, or in Legislature a power to interpret or execute it; as a matter of fact, the exercise by the judiciary of the function of interpretation frequently has been undistinguishable from that of law-making, while the Parliament not only has been historically a court, but the House of Lords at the present time is the court of last resort in important judicial con-

troversies arising within the four seas, and the Judicial Committee of the Privy Council—an administrative body—keeps the respective Colonial governments within their appointed orbits, and the Colonial law in harmony with that of England, by sitting in review of the judgments of the Colonial courts. The executive power of the realm is actually vested in that Committee of the House of Commons, which for the moment constitutes the ministry and wields that power in the name of the sovereign.

The most explicit formulation of the American ideal of government at the time of our separation from Great Britain, is that expressed in the Constitution of the State of Massachusetts in the following well-known and oft-quoted language:

“In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end that it may be a government of laws and not of men.”

Mr. Bryce once said that the written constitutions of America were designed to supply the lack of that tradition which in England kept the different branches of government within their appropriate spheres and restrained the Legislature from overriding all the barriers which Magna Charta and the Bill of Rights had erected for the protection of individual rights.

The barons of King John's day and the squires and burgesses of the Seventeenth Century, dealt with the power of the executive—the King, as the serious menace to the freedom of the individual. The framers of the American constitutions apprehended tyranny on the part of popular majorities, and sought to avert it by bills of rights, and by distributing the great powers of government as expressed in State and National constitutions, so as to prevent the

undue concentration of authority in any hand. "Wherever the real power in a government lies," wrote Madison to Jefferson in October, 1788,¹

"there is the danger of oppression. In our governments the real power lies in the majority of the community, and the invasion of private rights is *chiefly* to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the constituents. * * * Wherever there is an interest and power to do wrong, wrong will generally be done, and not less readily by a powerful and interested party than by a powerful and interested prince."

How far the force of tradition has become impaired in England, is foreign to the purpose of this paper; but certainly the ideal of the complete separation of powers of government, expressed in the early Constitutions of the American States, and embodied in that of the Union, is remote from the theories which characterize the Constitutions and Constitutional Amendments of many of the States adopted during the last decade. That ideal is also foreign to the theories underlying the establishment of modern governmental Commissions.

America has been called appropriately the land of paradoxes, and, at the very moment when the tide of Democracy is running most strongly, and, with seemingly irresistible force sweeping away all barriers to popular legislation; reducing judges to the state of mere puppets to give expression to the popular will; exalting the police power above all constitutional restrictions or safeguards in bills of rights, and threatening to reduce the Fourteenth Amendment of the Federal Constitution to a counsel of perfection, there is growing up a system of government by administrative commission which, involving, it is true, in large measure, an obliteration of the lines of demarcation between governmental powers, is yet supplying a corrective

¹ II Watson on the Constitution p. 1358.

to unrestricted democracy, which may not only maintain unimpaired efficient government in State and nation, but bring government to a state of practical efficiency hitherto unrealized.

In almost every State of the Union, commissions are being created for various governmental purposes, clothed with extensive powers, appointed by the Executive to hold office for terms of years so graduated that the personnel of the Commission cannot be changed abruptly; and public sentiment generally has favored the reappointment of members of these bodies as their terms of office expire.

"It is the blending of democracy and aristocracy," says Emile Faguet, "that makes a good constitution."² The right to enter into the magistracy, he says, quoting Aristotle, is a democratic principle; to admit none but distinguished citizens, is an aristocratic principle. And he characterizes as aristocrats, those who desire knowledge and who accept and love responsibility.³

The selection by the President, or by governors, of men of special qualifications to compose commissions created to administer various powers devolved upon them by legislatures, involving the exercise of great responsibility, with official terms of office so arranged that changes in individual membership are gradual and do not impair the continued existence of the official body, is the recognition and application of an essentially aristocratic principle, exhibiting a paradoxical result which contrasts strangely with the prevailing current of Democracy, but which also manifests in a striking degree that good sense of the Anglo-Saxon race which, when confronted with an exigency, always devises an appropriate expedient to meet the need, in entire disregard of logic or consistency.

The power of centuries of aristocratic tradition has been insufficient to stay the rapid modification of English

² *Le Culte de l'incompétence*, p. 227.

³ "Et l'horreur des Responsabilités p. 200.

institutions (outside the judiciary) in the direction of pure Democracy. The most explicit provisions of written constitutions in America have not resisted the judicial alchemy when found obstacles to the necessary development of government to counteract tendencies which threaten its stability and efficiency.

The theory of the distribution of powers involves as a corollary that powers shall be exercised only by those upon whom they are conferred. Therefore it long since became one of the settled maxims of Constitutional law, that the power conferred upon the legislature to make laws cannot be delegated by that department to any other body or authority.⁴ A law is a rule of conduct governing the future behavior of those to whom it is made applicable.⁵ It is the function of the people, or of the legislature to prescribe this rule. The force of the *unwritten* law which our ancestors brought with them from England rests upon the express declaration of the people in their constitutions of government, or upon immemorial usage which affords a presumption of its adoption by the people as a rule of action. But while it is for the legislative power to declare what the law is; it is for the judicial power to interpret the law in its application to facts presented in cases and controversies from time to time arising, and to determine whether or not the legislature has exceeded the limitation of its power set by the people in the Constitution of the State or nation. The American theory of government has substituted arbitrament by selected competent judges for appeal to insurrection or revolution in preserving minorities from that danger of oppression of which Madison wrote.

As a natural consequence, attempts by the legislature to devolve upon the courts or upon executive officers, powers which in their nature appear legislative, fre-

⁴ Cooley's Const. Lim. 4th ed. pp. 110, 111.

⁵ *L. & N. R. R. Co. vs. Garrett*, 231 U. S. 298, 305.

quently have been challenged in the courts. There have resulted certain lines of decisions, not always logical or easily reconcilable, but which on the whole have exhibited a very clear comprehension of the difference between declaring a general principle of law, and applying principles so declared to complex and fluctuating circumstances, and a broad statesmanlike effort by the courts to reconcile theory with the practical requirements of government. In this effort, the courts have held almost uniformly that a legislative act need not be a completed statute, which must in any event take effect as law at the time it leaves the hands of the legislative department. A statute may be conditional, and its taking effect may be made to depend upon some subsequent event.⁶ By the line of decisions beginning with *Field vs. Clark*,⁷ and running down to *United States vs. Grimaud*,⁸ and *Interstate Commerce Commission vs. Goodrich Transit Co.*,⁹ the Supreme Court of the United States has left Congress with a broad discretion as to the nature and extent of powers which it may devolve upon a board or commission. The great increase in population, and the increasing number and complexity of questions arising for the consideration of Congress, for some time past has made it perfectly apparent that the ordinary machinery of legislation was wholly insufficient to deal with many matters properly within legislative cognizance, but which require continuous and systematic study and supervision in order that an attempt at a remedy may not entail more evil than that sought to be remedied. Even a legislative body which continues in session throughout the year, can hardly provide for raising the necessary expenses of a government which costs nearly one billion dollars annually, pass intelligently upon upwards

⁶ Cooley: Const. Lim., 4th ed., p. 142; McGhee, "Due Process of Law" pp. 303, 164.

⁷ 143 U. S. 649.

⁸ 220 U. S. 506.

⁹ 224 U. S. 194.

of thirty thousand proposed laws, fix railroad rates and practices, investigate and control banking, industrial and commercial business, and deal with the other matters affecting the welfare of the country which require expert knowledge and training.

While none would contend that mere expediency should influence the Courts to sanction measures clearly contrary to the fundamental law, yet doubtful questions very properly may be resolved by the necessities of the case, and a court may be—and indeed should be,—astute to sustain as within constitutional warrant, measures of government which furnish the only feasible method of dealing intelligently and effectively with problems in which all the people are vitally interested.¹⁰

Fortunately, there are well-settled principles of constitutional construction upon which may be rested the validity of the most important examples of Administrative Commissions.

Thus, from the foundation of the Government, a general exception to the rule against delegating legislative powers has been recognized in the case of municipalities and other political subdivisions of government; and by-laws or ordinances enacted by bodies of this character in the exercise of power delegated to them by the Legislature have been recognized as having the force of law.¹¹

In *Fischer vs. St. Louis*,¹² the Supreme Court of the United States not only recognized the power of a municipality when authorized by the law of a State to make general police regulations, but affirmed the right of the Legislature to delegate to it the discretion of granting exceptions to those regulations, holding that the fact that in the exercise of that power some might be favored and others

¹⁰ See REDFIELD, C. J. in *State vs. Parker*, 26 Vt. 357.

¹¹ Cooley's Const. Lim. 7th ed. pp. 264-6.

¹² 194 U. S. 361.

not, would not, if the ordinance were otherwise constitutional, deny to those who are not favored the equal protection of the law.

Even in Massachusetts it is held that the Legislature may establish in different cities different kinds of government, different officers and different modes of electing them; and that although the Legislature may not, within the limitations of the State Constitution, adopt the initiative and the referendum with respect to *general* laws, it may constitutionally empower the town governments to adopt these provisions with respect to *local* ordinances.¹³

It is true that this conclusion was based largely upon immemorial usage in town government in Massachusetts, but it is none the less interesting as establishing an important exception to the general rule embodied in the Constitution of the State.

From an early day, too, the Supreme Court of the United States has recognized the power of Congress to confer upon administrative officers of the Government a variety of powers which must be exercised in a judicial manner; and upon courts, certain powers strictly legislative in character, but which, because of the necessity for investigation of a judicial nature, Congress has concluded a court could deal with more effectively than a mere administrative body.

In *Murrays Lessee vs. Hoboken Land and Improvement Co.*,¹⁴ the Supreme Court sustained the validity of an Act of Congress which empowered the Solicitor of the Treasury without the intervention of a court to issue a warrant and levy upon the property of a Collector of Internal Revenue to recover a balance due by him to the Government.

The Supreme Court has also sustained the constitutionality of the Acts of Congress empowering the courts to

¹³ *Graham vs. Roberts*, 200 Mass. 152.

Brodhine vs. Revere, 182 Mass. 598.

¹⁴ 18 How. 272.

review the determination of the Commissioner of Patents upon application for a patent for a new and useful invention, saying:

"The competency of Congress to make use of such an instrumentality or to create such a tribunal in the attainment of the ends of the Patent Office seems never to have been questioned, and we think could not be successfully. The nature of the thing to be done being judicial, Congress had power to provide for judicial interference through a special tribunal."¹⁵

So with respect to the admission or expulsion of aliens, it has been held that the power of Congress to expel,

"like the power to exclude aliens or any specified class of aliens, from the country, may be exercised entirely through executive officers; or Congress may call in the aid of the judiciary to ascertain any contested facts on which an alien's right to be in the country has been made by Congress to depend. * * * It is no new thing for the law making power, acting either through treaties made by the President and Senate, or by the more common method of acts of Congress, to submit the decision of questions not necessarily of judicial cognizance either to the final determination of executive officers or to the decision of such officers in the first instance with such opportunity for judicial review of their action as Congress may see fit to authorize or permit."¹⁶

In the case of *United States vs. Grimaud*,¹⁷ the Court admitted the difficulty of defining the line which separates legislative power to make laws, from administrative authority to make regulations; but the opinion pointed out that

"From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations—not for the government of their departments, but for administering the laws which did govern. None of these statutes could confer legislative power. But when Congress had legislated and indicated its will, it could give to those

¹⁵ *Butterworth vs. Hoe*, 112 U. S. 50; *U. S. vs. Duell*, 172 U. S. 576.

¹⁶ *Fong Yue Ting vs. U. S.*, 149 U. S. 698. See also *Nishimura vs. U. S.*, 142 U. S. 651.

¹⁷ 220 U. S. 506.

who were to act under such general provisions 'power to fill up the details' by the establishment of administrative rules and regulations, the violation of which could be punished by a fine or imprisonment fixed by Congress, or by penalties fixed by Congress or measured by the injury done."

One of the most notable examples of the delegation of power in the Legislature, is furnished by what is called "Commission Government" of cities and other municipalities. The rapid spread of this form of municipal government is another paradoxical result of widening Democracy.

The cardinal principle of Democracy is, as the late E. L. Godkin once wrote, "a profound belief in the wisdom as well as the power of the majority, not on certain occasions, but at whatever time it is consulted." Another characteristic of pure Democracy is a profound distrust in special preparation or fitness as a qualification for public office. Yet since the establishment of the Commission government of the City of Galveston, following the destruction of that city by the tidal wave in 1901, the adoption of that form of government has spread with such force and with such demonstrated results, that according to a recent report of the Director of the Census Bureau, 69 cities out of 195 in the United States which have an estimated population of upwards of 30,000 each, have adopted a Commission form of government.¹⁸ These cities too are scattered in twenty-three different States, as widely separated as New Jersey and California, Massachusetts and Louisiana, Pennsylvania and Texas. The characteristic of this type of city government is that its affairs are administered by a small number of elected officials, exercising both legislative and executive power, and by whom all other officials are appointed. Mr. Clinton Rogers Woodruff, in his valuable book on "City Government by Commission,"¹⁹ summarizes the advantages

¹⁸ *New York Evening Post*, June 12, 1914.

¹⁹ Appleton & Co., 1911.

of this system as being its "Simplicity and directness," which, as he truly says, "beget efficiency in the hands of competent men."

• "A concise, easily understood frame of government takes the place of a complicated one, or what is worse still, a long series of conflicting, over-lapping, often antiquated and usually complex, acts of Assembly."

Competent men are secured through this system by the short ballot, on which are the names of a very few men—Commissioners or Directors. It is utterly hopeless, Mr. Woodruff says, to look for good results when a large number of officials are to be chosen. Therefore, only a few—sometimes one, called a Manager or Director,—are elected by popular vote. They act within the sphere of the broad authority conferred upon them by the Legislature in the "concise easily understood frame of government," exercising that "power to fill up the details" referred to by the Supreme Court in the Grimaud case. Thus have we returned in this field of municipal government to the ideals of the framers of the Constitution of the United States, who devised a scheme of government adequate for that of a union of forty-eight States, embracing a population of nearly an hundred million people, and possessions beyond the seas, in thirty-two printed pages, small octavo—(including the first ten amendments), containing only 4938 words,—leaving Congress and the other branches of government "*with power to fill up the details.*" This reversion to early principles is all the more remarkable as it is coincident with the growth to inordinate length of recent State constitutions, such as that of Oklahoma, which fills seventy closely printed octavo pages, divided into 24 articles and 312 sections, and that of Arizona, which is longer, none of which leaves any *details* of consequence to be filled in, but which, on the contrary, to quote the language of the Supreme Court of Ver-

mont²⁰ "descend to those details * * * which have resulted in discussions calculated to debilitate government itself."

The Commission form of city government certainly has the merit of simplicity. It has thus far resulted in vastly increased efficiency and great economy in municipal government. But it is framed upon a principle which is essentially non-Democratic. It is successful because it embodies that blending of Democracy and Aristocracy which, as Faqué^t says, makes a good constitution.

The demonstrated success of the Commission form of municipal government not only has stimulated and strengthened the movement towards the adoption of the short ballot,—that is the great reduction in the number of elective offices—for the State governments, but its progress has been coincident with the steady growth in number of other administrative commissions, dealing with many different fields of activity, and the amplification of their powers.

The prototype of this form of governmental organ is the Interstate Commerce Commission of the United States, reproduced in more or less modified form, in Public Service Commissions in the different States. The constitutionality of the devolution upon the Interstate Commerce Commission of plenary power to carry out the Congressional mandate that railroad rates for transportation in interstate commerce shall be just and reasonable and non-discriminatory both as to persons and localities, has been upheld in a familiar line of decisions.

Of the forty-eight State commissions, with independent personnel, representing forty-five separate jurisdictions, enumerated by Professor Sharfman in his survey of legislation on the subject, published in the *Annals of the American Academy of Political and Social Science* for May, 1914, he shows that twenty-seven are appointed by the

²⁰*Sabre vs. Rutland R. R. Co.*, 85 Atlantic R., 693.

governor, by and with the advice and consent of the Senate or council; one is appointed by a railroad board, or a majority of its members, consisting of the governor, the lieutenant governor and the attorney-general; and twenty are elected by the people.

Professor Sharfman adds:

"It is generally recognized that the appointive commission, all else being equal, is likely to call into the public service better and abler men than the elective commission. And there is a strong tendency towards the appointive commission. Not only is a clear majority of the commissions appointive, but all the States which legislated during the past year" (including Idaho, Illinois, Indiana, Massachusetts, Montana, Ohio, Pennsylvania and West Virginia) "created appointive commissions."

All of these commissions have to do with so-called "public utilities," such as railroads, telegraph and telephone lines, water, gas and electric companies and the like.

Their constitutionality has been sustained by reasoning analogous to that employed with reference to the Interstate Commerce Commission. Such a law recently enacted in Vermont was analyzed and described by the Supreme Court of that State²⁰ in the following language:

The Public Service Commission,

"is an administrative body, clothed in some respects with functions of a judicial nature, *quasi* judicial functions, they may be called, authorized in the exercise of the police power, to make rules and regulations required by the public safety and convenience, and to determine facts upon which existing laws shall operate. In a sense it has auxiliary or subordinate legislative powers; for while the supreme legislative power cannot be delegated, there are many powers so far legislative that they may properly be exercised by the Legislature, which may nevertheless be delegated * * * The functions of an administrative officer or body may be to a large extent judicial and regulative in character. * * * The provision for keeping the departments of

²⁰ *Sabre vs. Rutland R. R. Co.*, 85 Atlantic R., 693.

government separate does not mean an absolute separation of functions; for if it did, it would really mean that we are to have no government, whereas our Constitution was ordained for the establishment of efficient government."

In addition to those bodies, in several of the States, commissions have been created to regulate the employment, hours of labor, and in some instances the compensation of women and minors²¹:

Commissions to prevent accidents to workmen by prescribing and enforcing regulations concerning machinery, safety device, etc.²²

Commissions to regulate and enforce Workmen's Compensation acts: *e. g.* those adopted in the States enumerated in the margin.²³:

Boards of Commissioners of Public Health and Civil Service Commissions are familiar examples.

²¹Wisconsin Industrial Commission (1912).

Washington Industrial Welfare Commission (1913).

California Industrial Welfare Commission (1913).

Oregon Industrial Welfare Commission (1913).

Colorado Wage Board (1913).

Massachusetts Minimum Wage Commission (1912).

Minnesota Minimum Wage Commission (1913).

Nebraska Minimum Wage Commission (1913).

Ohio Industrial Commission (1913).

²²Pennsylvania Industrial Board (1913).

New York Industrial Board (1913).

California Industrial Accident Commission (1913).

Massachusetts Board of Labor and Industries (1913).

Oregon Industrial Accidents Commission (1913).

Texas Industrial Accident Board (1913).

²³New York, 1913.

Kansas, 1911.

California, 1913.

Connecticut, 1913.

Illinois, 1913.

Iowa, 1913.

Massachusetts, 1911.

Michigan, 1913.

Washington, 1911.

West Virginia, 1913.

In the State of New York, we have, besides the two Public Service Commissions, a variety of commissions and boards exercising various powers, legislative and administrative, including, among others, a State Board of Regents, a Civil Service Commission, Conservation Commission, Department of Efficiency and Economy, Public Health Council, Industrial Board, Workmen's Compensation Commission, a State Board of Pharmacy, a State Athletic Commission, and a Board of Charities. Most of these boards and commissions are appointed by the Governor, by and with the advice and consent of the Senate.

Questions as to the constitutionality of powers granted to administrative commissions, or the method of their exercise, have arisen, not only with respect to the general subject of the delegation of legislative power, but under the fourteenth amendment to the federal constitution, when it is contended such statutes, or acts pursuant to them, constitute an abridgment of the privileges or immunities of citizens of the United States, or authorize proceedings which are not due process of law, or involve a denial of the equal protection of the law to all persons within the jurisdiction of the State by which the legislation is enacted.

"It has always been a part of the judicial function" said Justice BREWER, in passing on the constitutionality of the Texas Railroad Commission Act, "to determine whether the act of one party (whether that party be a single individual, an organized body, or the public as a whole) operates to divest the other party of any rights of person or property."²⁴

But, it has been held that *due* process is not necessarily *judicial* process; that "whether jurisdiction over particular classes of cases is vested in one tribunal or another," is a "question of local law, and there is no provision of the Federal Constitution prohibiting the State legislature from distributing jurisdiction as it sees fit among courts and

²⁴*Reagan vs. Farmers Loan & Trust Co.*, 154 U. S. 362, 399.

other tribunals.”²⁵ The United States Supreme Court, in *Louisville and Nashville R. R. Co., vs. Garrett*,²⁶ considered objections made to the constitutionality of a Kentucky statute empowering a commission not only to fix rates, but in special cases, after investigation, to set aside a general prohibition against charging a less rate for a long haul than for a short haul contained within the longer distance, and to permit a less charge for the greater than for the shorter distance, upon the ground that the Commission would be required in acting under such a law, to exercise judicial functions, whereas by the State Constitution the powers of government were distributed among the legislative, executive and judicial departments, each of which was prohibited from exercising powers belonging to one of the others; and it dismissed the contention by saying that such a hearing and determination would be merely preliminary to the legislative act, and that it was this *consequence* which gave to the proceeding its distinctive legislative character.

“Even where it is essential to maintain strictly the distinction between the judicial and other branches of the government,” said Mr. Justice HUGHES, “it must still be recognized that the ascertainment of facts, or the reaching of conclusions upon evidence taken in the course of the hearing of parties interested, may be entirely proper in the exercise of executive or legislative, as distinguished from judicial powers. The Legislature, had it seen fit, might have conducted similar inquiries through committees of its members, or specially constituted bodies, upon whose report as to the reasonableness of existing rates it would decide whether or not they were extortionate, and whether other rates should be established, and it might have used methods like those of judicial tribunals in the endeavor to elicit the facts. It is ‘the nature of the final act’ that determines ‘the nature of the previous inquiry.’”

²⁵McGhee. “Due Process of Law,” citing, i. a.: *Reetz vs. Michigan*, 188 U. S., 50; *Nobles vs. Georgia*, 168 U. S. 405; *Church vs. Kelsey*, 121 U. S. 282; *Duncan vs. Missouri*, 152 U. S. 377; *Dryer vs. Illinois*, 187 U. S. 84; *Rogers vs. Peck*, 199 U. S. 425.

²⁶231 U. S., 298.

In general, a very great scope has been allowed in the nature and extent of powers which may be delegated by the legislature to boards and commissions such as those mentioned. The line has been drawn at the delegation of power without any fixed legislative rule, standard or criterion to control its exercise.

Thus a series of decisions has held invalid statutes purporting to empower insurance commissioners to draft uniform policies of fire insurance and amend them at any time thereafter, the use of any form of policy except those so adopted being prohibited. This was characterized by the courts in those cases as a grant of power, not to determine the facts which should make the law operative, but to make the law itself.²⁷ On the other hand, it has been held constitutional to create racing commissions with power to prescribe rules and conditions under which horse racing may be conducted, and to grant and revoke licenses to associations to conduct racing.²⁸

In a Minnesota case²⁹ it was held that a statute which attempted to authorize a commission in its judgment to allow an increase of the capital stock of a corporation for such purpose and on such terms and conditions as it might deem advisable, was a mere delegation of the law-making power and therefore void. On the other hand, the Supreme Court of New Jersey very recently has upheld the constitutionality of an act which, while providing that no corporations should be merged or consolidated without the written approval of the Board of Public Utility Commissioners, prescribed no standard or rule by which their

²⁷See *King vs. Concordia Fire Ins. Co.*, 140 Mich. 258; *Anderson vs. Fire Ins. Co.*, 59 Minn. 182; *O'Neill vs. Ins. Co.*, 166 Pa. 63; *Dowling vs. Ins. Co.*, 92 Wis. 63.

²⁸*State Racing Com. vs. Latonia*, 136 Ky. 173; *Clark vs. Hartford Ag. Assn.*, 118 Md. 608.

²⁹*State vs. Gt. Northern Railway Co.*, 100 Minn. 445.

determination should be governed.⁸⁰ Even in that case the Court said:

"No doubt the action of the Board must be reasonable and not arbitrary, but that is because we will not attribute to the Legislature an intent to exercise or permit the exercise of arbitrary power. The action of the commissioners must have a foundation in reason; it has such foundation when it is based upon the requirement of the corporation act, or upon settled legal principles, and not upon the mere whim of the commissioners."

In *Eubank vs. Richmond*,⁸¹ the United States Supreme Court held a statute of Virginia and an ordinance of the City Council of Richmond void as involving an arbitrary invasion of private rights. The police power, under which the act was upheld in the State Court, "necessarily has its limits" said Justice McKenna,

"and must stop when it encounters the prohibitions of the Constitution. A clash will not, however, be lightly inferred. Governmental power must be flexible and adaptive. Exigencies may arise, or even conditions less peremptory, which may call for or suggest legislation, and it may be a struggle in judgment to decide whether it must yield to the higher consideration expressed and determined by the provisions of the Constitution. *Noble State Bank vs. Haskell*, 219 U. S. 104. The point where particular interests or principles balance 'cannot be determined by any general formula in advance.'"

The "due process" clause of the federal constitution has been construed as intended "to prevent the *arbitrary* exercise of power, or undue, unjust and capricious interference with personal rights; not to prevent those reasonable regulations that all must submit to as a condition of remaining a member of society."⁸² Much of this

⁸⁰*American Malt Corporation vs. Public Utilities Com.*, May, 1914, Mss. per SWAYZE, J.

⁸¹226 U. S. 137.

⁸²*State ex rel. Davis-Smith Co., vs. Clausen*, 117 Pacific Rep. 1101-6 (Wash).

species of legislation has been upheld under the police power; that power which, according to the Supreme Court of Washington, "is to the public what the law of necessity is to the individual. It is comprehended in the maxim '*Salus populi suprema lex.*' It is not a rule, it is an evolution."³³

The Court of Appeals in New York has held that to justify the State in interposing its authority in behalf of the public, it must appear that the interests of the public generally, as distinguished from those of a particular class, require such interference, and that the means are reasonably necessary for the accomplishment of the purpose and not unduly oppressive upon individuals. "The legislature may not," said Judge Haight, "under the guise of protecting the public interest, arbitrarily interfere with private business or impose unusual or unnecessary restrictions in lawful occupations."³⁴

But, as Justice McKenna said in delivering the opinion of the Supreme Court in *Metropolis Theatre vs. Chicago*,³⁵

"To be able to find fault with a law is not to demonstrate its invalidity. It may seem unjust and oppressive, yet be free from judicial interference. The problems of government are practical ones, and may justify, if they do not require, rough accommodations—illogical, it may be, and unscientific * * * What is best is not always discernible; the wisdom of any choice may be disputed or condemned. Mere errors of judgment are not subject to our judicial review. It is only its palpably arbitrary exercise which can be declared void under the Fourteenth Amendment."

The extent of the power of judicial review over the orders and proceedings of the Interstate Commerce Commission was stated by the Chief Justice in *Interstate Commerce Commission vs. Illinois Central R. R. Co.*,³⁶ to require the consideration of

³³*State vs. Wash. Timber Co.*, 135 Pac. Rep. 546.

³⁴*Fisher vs. Woods*, 187 N. Y. 90.

³⁵228 U. S. 61, 69.

³⁶215 U. S. 452.

"all relevant questions of Constitutional power or right; all pertinent questions as to whether the administrative order is within the scope of the delegated authority under which it purports to have been made; and * * * whether, even although the order be in *form* within the delegated power, nevertheless it must be treated as not embraced therein, because the exertion of authority which is questioned has been manifested in such an unreasonable manner as to cause it, in truth, to be within the elementary rule that the substance, and not the shadow, determines the validity of the exercise of the power."

Accordingly the Court has held that a finding by the Interstate Commerce Commission without any evidence is arbitrary and baseless,³⁷ that an Act of Congress granting authority to anybody to make a finding without evidence would be inconsistent with justice and an exercise of arbitrary power prohibited by the Constitution. The Government in the case resulting in that decision had insisted that under the provisions of the Hepburn Act, Section 15, the Commission was empowered to set aside rates, if after a hearing it should be of the opinion that the charge would be unreasonable, and that an order based on such an opinion was conclusive and could not be set aside, even if the finding was wholly without substantial evidence to support it.

But the Court held that the statute gave the right to a full hearing, and at the same time imposed upon the Commission the duty of deciding in accordance with the facts proved; that if the Government's contention were correct,

"it would mean that the Commission had a power possessed by no other officer, administrative body or tribunal under our government. It would mean that where rights depended upon facts the Commission could disregard all rules of evidence and capriciously make findings by administrative fiat. Such authority, however beneficently exercised in one case, could be injuriously ex-

³⁷*I. C. C. vs. L. & N. R. R. Co.*, 227 U. S. 88.

exercised in another; is inconsistent with rational justice and comes under the Constitution's condemnation of all arbitrary exercise of power."

So also, a State statute giving a railroad commission power to fix rates which should be conclusive and beyond the power of any court to review, was held by the Supreme Court unconstitutional as violating the due process clause;³⁸ and where a statute authorized a State commission "after a full hearing" to order railroads to make connections, and made such orders subject to review by the courts, but only on the evidence adduced before the Commission, the Supreme Court held that the due process clause was not satisfied by the granting of a mere hearing, but that the carrier must have the right to know the nature of the complaint made, to present arguments and evidence, and to cross-examine witnesses on the other side; but it held also that the due process clause is not offended by the requirement that the courts limit their review to the evidence before the Commission, provided the carriers are there given a fair and full hearing.

Following the decision of the Supreme Court in the *Proctor & Gamble* case,³⁹ denying the right of courts to review so-called negative orders of the commission—that is, orders merely refusing relief and denying or dismissing petitions—there appeared to be some disposition on the part of the Commission to endeavor to bring its decisions within that ruling and to avoid their review in the courts by merely writing opinions without entering formal orders, or by so framing its decisions as to result in a dismissal of the petition, even where the subject matter dealt with involved a new and important extension of the powers of the Commission, injuriously affecting substantial private rights. But, happily, wiser counsel prevailed, and a different principle was followed in the so-called *Tap-line* cases.

³⁸*Chicago, etc. Ry. vs. Minnesota*, 134 U. S. 418.

³⁹225 U. S. 282.

The recent decision of the Supreme Court in those cases (*United States vs. Louisiana & Pacific Railway Co.*, decided May 25, 1914⁴⁰), which reversed the orders of the Commission affecting the status of certain branch or lateral lines of railroad, constructed primarily for the transportation of lumber from the forests to points of connection with trunk line railways, and used also to a certain extent for general traffic, confirms the advisability of the Commission refraining from the undue extension of its quasi-legislative powers without giving an opportunity for the fullest possible review of its orders by the courts. Moreover, the latest utterance by the Supreme Court (in the *Intermountain Rate Case*⁴¹) affords reason to believe that that court would always discover a method of reaching and restraining an arbitrary abuse of power by the Commission; for the Court took pains to point out that the doctrine established in its previous decisions, of the finality of findings of fact made by the Commission within the scope of its administrative duties,

"does not relieve the courts in a proper case from determining whether the Constitution has been violated, or whether statutory powers conferred have been transcended or have been exercised in such an arbitrary way as to amount to the exertion of authority not given, doctrines which but express the elementary principle that an investiture of a public body with discretion does not imply the right to abuse, but on the contrary carries with it as a necessary incident the command that the limits of a sound discretion be not transcended, which by necessary implication carries with it the existence of judicial power to correct wrongs done by such excess."

In view of the recent tendency in Congress to use administrative bodies, such as those under discussion, purely, or largely for purposes of investigation, and through them to secure publicity of the affairs of corporations or others under the ban of popular suspicion, or to create new com-

⁴⁰234 U. S. 1.

⁴¹*United States vs. Atchison, Topeka and Santa Fé Railway Co.*, et. al., 234 U. S. 476.

missions largely, if not exclusively, for purposes of investigation, it becomes important to consider what, if any, limitations upon the powers of administrative commissions to compel the production of papers and the testimony of witnesses, exist in State or Federal Constitutions. The Fourth and Fifth Amendments to the United States Constitution, constituting limitations upon Federal power, declare the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, and that no person shall be compelled in a criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; while the Fourteenth Amendment prohibits States from making or enforcing laws which shall deprive any person of life, liberty or property without due process of law. Very broad construction has been given to these provisions in a line of cases beginning with the *Boyd* case.⁴² The point was considered specifically with respect to the powers of the Interstate Commerce Commission in the *Brimson* case⁴³ and the *Harriman* case.⁴⁴ In the case first mentioned, the power of Congress to establish an administrative body with authority to investigate the subject of interstate commerce, and with power to call witnesses and require the production of books, documents and papers relating to that subject, was declared to be beyond dispute; but it was also held that:

"Neither branch of the legislative department, still less any merely administrative body, established by Congress, possesses or can be invested with a general power of making inquiry into the private affairs of the citizen."

Mr. Justice HARLAN, speaking for the Court, said:

"We said in *Boyd vs. United States*, 116 U. S. 616, 630,—and it cannot be too often repeated,—that the principles that em-

⁴²*Boyd vs. United States*, 116 U. S. 616.

⁴³*U. S. vs. Brimson*, 154 U. S. 447.

⁴⁴211 U. S. 407.

body the essence of constitutional liberty and security forbid all invasions on the part of the government and its employes of the sanctity of a man's home and the privacy of his life."

In the *Harriman* case, the Court held that the purposes of the Interstate Commerce Act, for which the Commission might exact evidence, embraced only complaints for violation of the Act, and investigations by the Commission upon matters that might have been made a subject of complaint; that the main purpose of the Act was to regulate the interstate business of carriers, and the secondary purpose for which the Commission was established was to enforce the regulations enacted.

"These," said Justice HOLMES, "in our opinion are the purposes referred to; in other words, the power to require testimony is limited, as it usually is, in English speaking countries at least, to the only cases where the sacrifice of privacy is necessary,—those where the investigations concern a specific breach of the law."

In the very recent case of *Weeks vs. United States*,⁴⁵ a conviction for violation of a provision of the criminal code of the United States was set aside and a new trial ordered, because the United States Marshal had entered a room in a boarding house occupied by the defendant and taken from a drawer in a chiffonier, certain letters which had been written to the defendant and which tended to show his guilt, and these letters had been admitted in evidence against the defendant on his trial, over his objection, and against his demand that they be returned to him. The principle of the *Boyd* case was reaffirmed, and the Court, speaking by Justice DAY, said:

"The effect of the Fourth Amendment is to put the Courts of the United States and the Federal officials, in the exercise of their power and authority, under limitations and restraints as to the exercise of such power and authority, and to forever secure the

⁴⁵232 U. S. 383.

people, their persons, houses, papers and effects, against all unreasonable searches and seizures under the guise of law. This protection reaches all alike, whether accused of crime or not, and the duty of giving to it force and effect is obligatory upon all entrusted under our Federal system with the enforcement of the laws. The tendency of those who execute the criminal laws of the country to obtain conviction by means of unlawful seizures and enforced confessions, the latter often obtained after subjecting accused persons to unwarranted practices destructive of rights secured by the Federal Constitution, should find no sanction in the judgments of the Courts which are charged at all times with the support of the Constitution and to which people of all conditions have a right to appeal for the maintenance of such fundamental rights."

The same principle is applicable to corporations as well as to individuals, because, as the Supreme Court said in *Hale vs. Henkel*:⁴⁶

"A corporation is, after all, but an association of individuals under an assumed name and with a distinct legal entity. In organizing itself as a collective body it waives no constitutional immunities appropriate to such body. Its property cannot be taken without compensation, it can only be proceeded against by due process of law, and is protected, under the Fourteenth Amendment against unlawful discrimination. * * * Corporations are a necessary feature of modern business activity and their aggregated capital has become a source of nearly all great enterprises."

The decision in that case (since followed, and emphasized in *Wilson vs. United States*⁴⁷), to the effect that an officer of a corporation may not refuse to produce books, papers, correspondence, etc., belonging to the corporation, when subpoenaed in aid of a proper legal inquiry, upon the ground that they may tend to incriminate him, nevertheless held that even an order for the production of books and papers before a Grand Jury in aid of an inquiry into an alleged crime, may constitute an *unreasonable* search and

⁴⁶201 U. S. 43.

⁴⁷221 U. S. 361. See also *Wheeler vs. U. S.*, 226 U. S. 478.

seizure, against which a corporation as well as an individual is protected, under the Fourth Amendment; and the subpoena which had been issued in that case was held to be far too sweeping in its terms to be regarded as reasonable.

In view of these decisions, it may be seriously questioned whether the general unrestrained powers of investigation, sought to be conferred by Congress upon a so-called administrative body, created merely for general purposes of investigation, would be upheld by the courts, or, in any event, allowed beyond the limits of requiring the production of documents bearing upon some special point properly under inquiry, which documents are sufficiently identified to bring the order within the rule laid down in *Hale vs. Henkle* and *Wilson vs. United States*.

Most of the State constitutions contain provisions against unreasonable search and seizure similar to those in the Federal Constitution. Some,—for example, the Constitution of New York,—do not. In the latter State, a provision in the Civil Service Law authorized the State Civil Service Commission to investigate and report alleged violations of its provisions by a State officer in levying or allowing the levy of political assessments. The New York Court of Appeals held that the duties of the Commission were administrative, and not judicial; that its functions were strictly analagous to those of a legislative commission of inquiry or investigation, and that it was not a valid objection to such investigation that it might disclose crime or wrong-doing on the part of individuals, provided its object was the framing or enactment of proper laws or regulations.

The Act of Congress creating the Bureau of Corporations was framed in view of a similar distinction; it authorized the Bureau to gather such information and data as should enable the President to make recommendations to Congress for legislation for the regulation of interstate and foreign commerce.

The pending legislation now before the United States Senate, at least in the form in which it passed the House of Representatives, contemplates a wider scope of inquiry, and the passage of such bill will undoubtedly lead to legal controversies and a delimitation of the powers of the proposed trade commission, which will protect corporations and individual citizens alike in the continued enjoyment of the immunity from unreasonable searches and seizures of their private books and papers secured to them by the Constitution.

To what extent the doctrine that the police power operates as a limitation upon or modification of constitutional restrictions which otherwise would limit the permissible scope of the delegation of powers to an administrative commission, is beyond the proper bounds of this address. Under a written constitution, as Justice McKENNA says in his dissenting opinion in the *Pipe Line Cases* (*U. S. vs. Ohio Oil Co., et al.*,⁴⁸) :

"There is a sovereignty superior to the legislature, that of the people expressed in the Constitution. How to reconcile legislation with the limitations of the Constitution and leave Government practical in its exercise is a problem which comes to this court often.* * * It is to be regretted that there is no indisputable standard for its solution—no indisputable test of due process of law. We know that an act of legislation does not necessarily satisfy it. It may however be sufficient, or to be more careful and accurate, there may be a regulation of the uses of property whose legality cannot be denied."

Justice HOLMES in a recent opinion, to which reference is constantly made, said :

"With regard to the police power, as elsewhere in the law, lines are pricked out by the gradual approach and contact of decisions on the opposite sides."⁴⁹

⁴⁸234 U. S. 548.

⁴⁹*Noble State Bank vs. Haskell*, 219 U. S. 104; 113; See also for examples of the extreme application of the police power: *Plymouth Coal Co. vs. Pennsylvania*, 232 U. S. 531, 542; *Atlantic Coast Line vs. Goldsboro*, 232 U. S. 548, 558.

It may seem rather anomalous that while, as was said in one case, "Neither the 'contract clause' nor the 'due process' clause" of the Fourteenth Amendment

"has the effect of overreaching the powers of the State to establish all regulations that are reasonably necessary to secure the health, safety, good order, comfort, or general welfare of the community;"⁵⁰

an ordinance adopted in the exercise of the police power by a city, providing for the licensing of drivers of express wagons, should be held void, because, in the opinion of the Court, the exercise of the police power, "does not justify the imposition of a direct burden on interstate commerce."⁵¹ The reason, however, may be found in the consideration that restrictions upon the powers of government as affecting individual rights, are to be taken as qualified by a recognition of the superior power left in the State, as necessary to the continuance of practical government.

"All those powers which relate to merely municipal legislation, or what may, perhaps, more properly be called 'internal police' are not thus surrendered or restrained" (i. e., by the provisions of the Fourteenth Amendment), "and consequently, in relation to these, the authority of a State is complete, unqualified and exclusive."⁵²

Whereas, the grant to Congress to regulate interstate and foreign commerce is complete, comprehensive and exclusive of any power over the same subject in the States. The reasoning of the cases may not seem wholly satisfactory, but if the law of the police power, as frankly recognized in some cases, is the law of necessity, so far as provisions for the health, safety or welfare of the inhabitants of a State are concerned, the comprehensive control of our interstate commerce by the national government is no less a law of neces-

⁵⁰*Atlantic Coast Line vs. Goldsboro*, 232 U. S. 548, 558.

⁵¹*Adams Express Co. vs. New York*, 232 U. S. 14, 32; see also *Erie R. R. Co., vs. N. Y.*, 233 U. S. 671.

⁵²*City of New York vs. Milne*, 11 Peters, 102, 139.

sity for the conduct under uniform rule of the commerce of a great nation.

I have not attempted an exhaustive statement of all the legal principles, still less of every decision affecting the powers of Congress or of State Legislatures to create and devolve powers upon Administrative Commissions. I have sought merely to illustrate the general principles of law involved in the very widespread and significant modification in our system of government resulting from the rapid growth and multiplication of bodies of this character.

This discussion, however, would be incomplete, without a reference to the field of possible legislation opened up by the recent decision of the United States Supreme Court in *German Alliance Insurance Co. vs. Kansas*,⁵³ where a statute of the State of Kansas authorizing the Superintendent of Insurance of that State to determine any rate of insurance to be excessive or unreasonably high, or not adequate to the safety or soundness of the company, and thereupon to direct the company to publish and file a higher or lower rate which should be reasonably commensurate with the character of the risk, was upheld, on the authority of *Munn vs. Illinois*.⁵⁴ The minority of the Court who dissented, sought to limit the power of the State to fix prices, to cases involving the use of property which had been dedicated by its owner to a public use. The majority rejected this distinction as unsound, holding that a business, by circumstances and its nature, may become a matter of public concern and be subject in consequence to governmental regulation; that the business of insurance was of that nature, and was therefore the legitimate object of the exercise of the police power by the State, and that this exercise might extend to the control of the prices to be charged for writing insurance.

Justice McKENNA placed the decision largely upon the ground that the business of insurance had become "clothed

⁵³233 U. S. 390.

⁵⁴94 U. S. 390.

with a public interest," and therefore subject to be controlled by the public for the common good.

It would seem that a better basis for the decision is found in the principle that where by reason of the organization, complexity and nature of the business, the public, who are compelled to accept what is offered, whether it be transportation or insurance, has no option but to take the terms fixed by those who offer, or go without the needed facility or commodity, is entitled to protection by public authority. Justice MCKENNA adverts to this principle, if he does not rely upon it, when he says:

"We may venture to observe that the price of insurance is not fixed over the counters of the companies by what Adam Smith calls the higgling of the market, but formed in the councils of the underwriters, promulgated in schedules of practically controlling constancy which the applicant for insurance is powerless to oppose and which, therefore, has led to the assertion that the business of insurance is of monopolistic character and that 'it is illusory to speak of a liberty of contract.' It is in the alternative presented of accepting the rates of the companies or refraining from insurance, business necessity impelling if not compelling it, that we may discover the inducement of the Kansas statute, and the problem presented is whether the Legislature could regard it of as much moment to the public that they who seek insurance should no more be constrained by arbitrary terms than they who seek transportation by railroads, steam or street, or by coaches whose itinerary may be only a few city blocks, or who seek the use of grain elevators, or, be secured in a night's accommodation at a wayside inn, or in the weight of a five-cent loaf of bread. We do not say this to belittle such rights or to exaggerate the effect of insurance, but to exhibit the principle which exists in all and brings all under the same governmental power."

The same element was found in the *Munn* case. The grain elevators there under consideration were shown to be so connected with each other and the railroads, as to form virtually a monopoly "standing in the very gateway of commerce and taking toll from all who pass." That this monopolistic feature was one of the essential conditions on

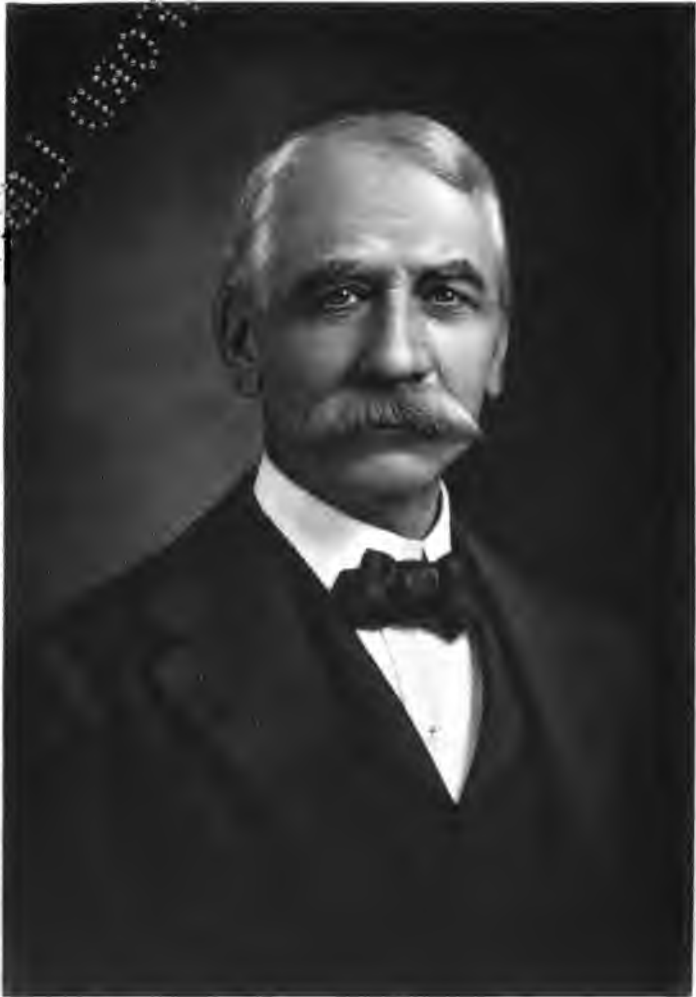
which the decision rested, is evidenced, not only by Chief Justice WAITE's opinion, but by references to it subsequently made by almost all of the Justices who concurred in the decision.⁵⁵

With the States free to exercise the power to control prices wherever it may be found that the cost of articles or facilities of general necessity are not fixed by the ordinary operations of the law of supply and demand, we may naturally anticipate examples of price-fixing by legislatures or commissions in other fields than transportation and insurance. The decision of the Supreme Court furnishes, it is true, a new weapon against monopoly, but one in the exercise of which it is to be feared more harm than benefit may result.

Undoubtedly the danger of serious invasion of private rights, of tyrannous exercise of the power of majorities, is far less when power is intrusted to boards or commissions of competent men selected by the President or by the Governors of States, to act only after thorough study of the subject involved, and upon hearing of the parties affected, than when Congress or the Legislature itself attempts to legislate as to details which few of its members understand, and in disregard of rights they have not, and in the nature of things cannot have, thoroughly investigated. But the constant supervision of the judicial branch of the government is necessary to keep such bodies within their appointed powers, and to preserve a respect for constitutional rights. Without the existence of that judicial power, an otherwise great improvement in governmental function might readily become a Briareus-armed tyrant, wielding authority—to employ Chief Justice WHITE's language in the *Intermountain* rate case—in “the uncontrolled exuberance of vague and destructive powers.”

⁵⁵See “The Power of the State to Regulate Prices and Charges,” by Hon. G. A. Finkelburg, 32 Am. Law Rev., 501; *Budd vs. N. Y.*, 143 U. S. 517, 537; *State ex rel. vs. Associated Press*, 159 Md. 410, 455.

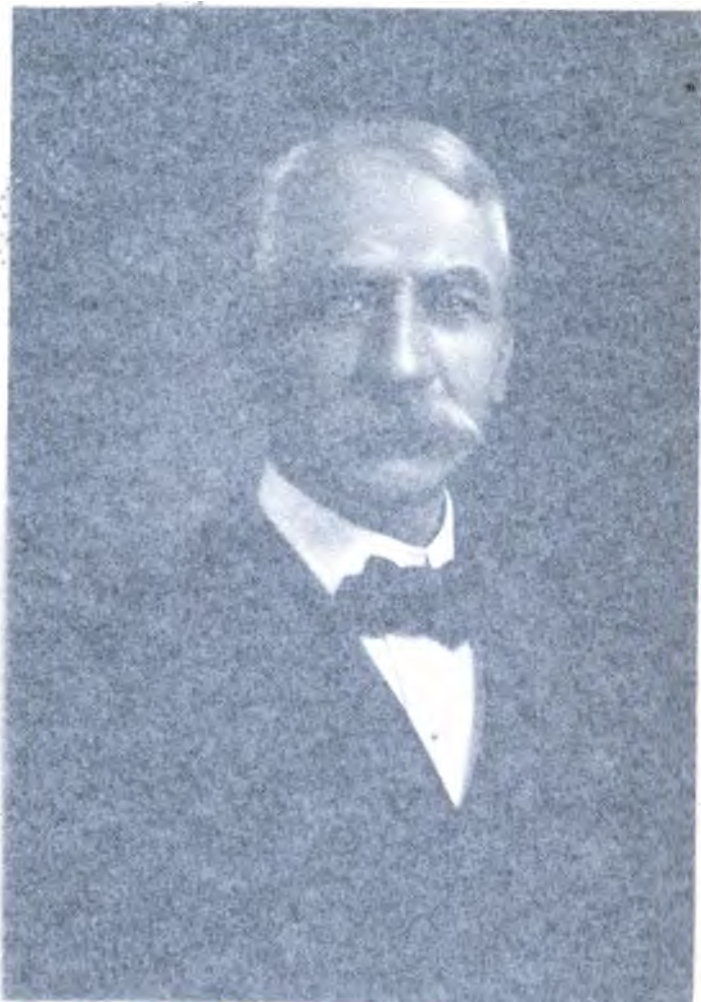
Digitized by Google



LOUIS RICHARDS

By LOUIS J. BROWN

In sketching which closed need to be necessarily the devices of many other judicial system. The facts, not the bare facts disclosed in the sketching portrait of the several elements.



LOUIS RICHARDS

JACOB RUSH AND THE EARLY PENNSYLVANIA STATE JUDICIARY

Paper read before the Pennsylvania Bar Association, July 2, 1914

By LOUIS RICHARDS, Esq., of Reading

The name of Rush was long prominent in Pennsylvania in the annals of medicine, law and jurisprudence. Dr. Benjamin Rush, signer of the Declaration of Independence, eminent physician and philanthropist, filled a large place in the public affairs of his time. His younger brother, Jacob Rush, of whose life and official services it is proposed to speak, was one of the shining lights of the early Pennsylvania State Judiciary. Both were strong characters, zealous patriots during the stirring period in which they lived, tenacious of their convictions and of the high standard of individual duty which they set for others, and typified in themselves. The career of Dr. Benjamin Rush as a profound student of medical science, essayist and publicist, was a monumental one, shedding lustre upon the family name, and attracting to him honors and distinctions at home and abroad. Jacob Rush, though less prominent in public affairs than his older brother, occupied judicial stations of high responsibility in this State during the formative period of the law, of which he was regarded as one of the ablest expositors.

In sketching in outline the career of Judge Rush which closed nearly a century ago, the subject is found to be necessarily associated with the lives and public services of many other men of the earlier period of our judicial system. Whilst adhering to known historical facts, not the least interesting portions of the review are disclosed in the sidelights which reflect a more intimate portraiture of the innermost nature of the man and his governing motives. Men are usually judged by the stand-

ards of their own times and the estimation of their contemporaries. Quite as often, nevertheless, the lapse of a long period is necessary to a more just appreciation of their true characters and accomplished work.

Jacob Rush was born November 24, 1747, in Byberry township, Philadelphia County, the family seat of his ancestors, who came from Oxfordshire, England, to America in 1683. John Rush, the immigrant, commanded a troop of horse in the army of Oliver Cromwell. Having embraced the principles of the Quakers he was doubtless attracted hither by the inducements held out by William Penn to the people of that faith for the founding of his newly acquired colony. He left numerous descendants, among whom, in the third generation, was John Rush, who married Susan Harvey, daughter of Joseph Hall, of Tacony, these being the parents of Dr. Rush and his brother Jacob. Losing their father at a very early age, their bringing up devolved upon the mother, who remarried, and, though of slender means and left with five children, procured for her two sons the benefits of a liberal education. She is described as a woman of strong mind and business energy, earning her livelihood by trade. The two youths were first sent to the school taught by Francis Alison, at New London, Chester County, an institution under the care of the Presbyterian church. Among the pupils were a number who afterwards attained distinction in public life. They next attended an academy at Nottingham, Cecil County, Maryland, the principal of which was the Rev. Dr. Samuel Finley, afterwards President of the College of New Jersey, who had married a sister of their mother. In the very interesting autobiography of Dr. Rush, published a few years ago, he describes Finley as a thorough instructor, a strict disciplinarian, a Presbyterian in faith, and an example of apostolic prudence, piety and zeal. Religious instruction was a prominent feature of the school, and thus he trained his pupils for both worlds, having respect to their future as well

as their present state of existence. Here they were specially well grounded in the classics and mathematics; so thoroughly indeed that Dr. Rush was enabled to enter the junior class at Princeton College in 1759, from which institution he graduated in the following year at the age of sixteen. In the choice of a profession he hesitated between law and medicine, eventually choosing the latter. After spending five years in the office of a preceptor he went abroad, graduated in medicine at the University of Edinburgh, and upon his return settled down to professional practice in Philadelphia, entering upon the distinguished public career which ended with his death, April 19, 1813, in the sixty-eighth year of his age.

Jacob Rush, the subject of this paper, graduated from the College of New Jersey in 1765, in his eighteenth year, receiving at a later period the degree of Doctor of Laws, and chose the legal profession. At that day there were no law schools, and students usually prepared under the direction of some experienced practitioner. It is not known with whom he was thus associated, or for what period, but the date of his admission to the Philadelphia Bar is recorded as February 7, 1769. Going abroad for instruction, it appears from a letter written by him at London, to his brother Benjamin, in January, 1771, that he was then about entering as a student at the Middle Temple, and was pursuing his law studies with diligence and ardor. He also speaks of attending the sittings of the courts at Westminster.

Whilst Judge Rush began his law practice in Philadelphia, he extended it into other counties. The records show that he was admitted to the Bar in Berks May 10, 1769. It was the custom of the lawyers of that period to follow the courts upon their circuits, wheresoever they might be held. His name appears as proctor in a number of cases in the Pennsylvania Court of Admiralty, a tribunal established in 1776 and holding its sessions in Philadelphia.

It passed out of existence upon the adoption of the Constitution of the United States, under which Admiralty jurisdiction was vested exclusively in the Federal Government. Its first president was George Ross, of Lancaster, who was succeeded upon his death in 1779 by Francis Hopkinson. Prize cases formed the principal subject of its adjudications.

Judge Rush was a warm supporter of the Revolutionary cause, and to some extent a participator in the patriot counsels. In a letter to his brother in October 1778 he says that he had the honor of serving for a time as deputy Secretary of Congress, during the temporary indisposition of the Secretary, Charles Thomson. Upon the British occupation of Philadelphia he retired to his farm, but resumed his practice when General Clinton evacuated the city.

He was contemporary and associated with a group of lawyers and judges of broad legal education and distinguished abilities, many of them graduates of the English Inns of Court. At the head of the Bar immediately prior to, or during the Revolution, were such eminent legal lights as Jasper Yeates, Benjamin Chew, James Wilson, Thomas McKean, John Ross, Edward Shippen, Jonathan Dickinson Sergeant, William Tilghman, Jared Ingersoll, William Rawle, John Dickinson, Francis Hopkinson and Joseph Read. By reason of the stirring events of the times there was then a greater individuality in the profession than at any former period. The educated class was less numerous, and the leadership of the trained practitioners was more distinctly felt. It was an epoch which produced strong characters, and it was from this school the young practitioner drew his inspiration.

To the modern lawyer it is matter of wonder how thorough professional training could be attained in this country amid the dearth of the literature of the law at the period referred to. The lawyers of the day acquired

their elementary knowledge from Plowden, the Year Books, Grotius, Vattel and Coke. At the close of the century, as it is said, the libraries of the best equipped members of the Bar contained, in addition to these, Comyn's Digest, Bacon's Abridgment, Hale or Hawkins' Pleas of the Crown, Blackstone's Commentaries, Lilly's Entries, and Saunders' Reports, with some brief works on Pleading and Practice. All of these—with the exception of Blackstone, the first American edition of which was published in Philadelphia in 1771—were imported from England, and some of them were but vaguely adapted to the situations developed in the new country. It had not yet been authoritatively determined how many British statutes remained in force in Pennsylvania. The English common law was an equally uncertain field. Some thought, indeed, that it had been wholly abolished by the Revolution, together with the force of all the pre-existing statute law of England. Of American reports there was an entire destitution. The earliest authorized reports of the decisions of the State Courts, as is well known, were those of Dallas, the first volume of which appeared in 1790. The first digest of Pennsylvania statutes was that of Collinson Read, issued in 1800, which was not really a digest of the modern type, but a topical collocation of the laws arranged in chronological order. The lawyer's commonplace book, now gone out of fashion, recorded his briefs and such excerpts as he could gather from occasional sources. The comparison is readily suggested to the profession between the scarcity of law books at this early period and the plethora of the literature of the law in its protean shapes at the present.

But whilst there was less of law to be learned there was more time to study it. Arguments were long, and judicial deliverances correspondingly prolix. Order was to be evolved out of chaos, and new rulings were required to meet new conditions. The difficulties which confronted

the lawyers were reflected in the problems which perplexed the judges. The old Bar was an all day Bar; cases were fought inch by inch, and arguments consumed whole days upon points of law which would now be settled in as many minutes. In the construction of statutes the courts hewed to the line, and the pathway of practice bristled with technicalities.

In 1782 Judge Rush was elected as one of the members of Assembly from Philadelphia County, and was re-elected in the following year. This office he resigned March 20, 1784, upon his appointment by the Supreme Executive Council to the Supreme Bench, in the room of John Evans, deceased. The term was seven years. That notable man, Thomas McKean, was Chief Justice, and George Bryan the other Associate. The salary of the Chief Justice was £750 Pennsylvania currency, and that of the Associates £600, with an allowance of four dollars per diem for traveling expenses while on the circuit. Official salaries in those days were far from being "adequate", but the State was obliged from force of circumstances to be severely economical. Before the Revolution there was no statutory requirement that the judges of the courts should be learned in the law, and they were compensated in part by official fees. In 1789 the Justices of the Supreme Court petitioned the Assembly relative to the depreciation of their pay, and that body passed a resolution to allow a special issue to be tried in the Common Pleas of Philadelphia to determine the question whether the Commonwealth was bound to make up to them the depreciation, and, if so, the amount thereof.

By virtue of his office of Supreme Court Judge, Judge Rush was a member of the High Court of Errors and Appeals, created in 1780, (abolished 1806), its composition including the judges of the Supreme Court, the presidents of the several districts of Common Pleas as then existing,

and three other members specially appointed. It heard and determined appeals from the inferior jurisdictions, and also from the Supreme Court itself, whose decisions it usually affirmed, and occasionally reversed. In addition to its appellate jurisdiction the Supreme Court held Courts of *Nisi Prius*, (subsequently changed to Circuit Courts), in the several counties, for which service they were allowed their necessary expenses, in addition to their salaries. A single judge was deputed to hold the Court of Oyer and Terminer in the counties for the trial of all capital and other felonies not triable by the justices of the peace who constituted the county quorum, and whose jurisdiction was limited to the holding of the Courts of Common Pleas, Quarter Sessions and Orphans' Court.

Radical changes in the judiciary system of the State were made by the Constitution of 1790, by which the justices of the peace were no longer judges of the courts. By the Act of April 13, 1791, the State was divided into five circuits or judicial districts, in each of which a President Judge "of knowledge and integrity, skilled in the laws," was directed to be commissioned by the Governor, together with not less than three nor more than four Associate Judges in each county, all of whom collectively were authorized to hold the Courts of Common Pleas, Oyer and Terminer, Quarter Sessions and Orphans' Courts, as then constituted. The tenure was for life or good behavior. In 1806 the number of Associates in each county was reduced to two. The terms of the appointees were to begin on the ensuing first of September, and by another Act of the same date the salaries of the President Judges were fixed at £500 per annum, the Judge of the Philadelphia Circuit to receive £600. This was the foundation of the present system of county law courts, all the judges of which are now elective.

The several circuits were defined as follows: the First consisting of the City and County of Philadelphia and the

counties of Bucks, Montgomery and Delaware; the Second of the counties of Chester, Lancaster, York and Dauphin; the Third of the counties of Berks, Northampton, Luzerne and Northumberland; the Fourth of the counties of Cumberland, Franklin, Bedford, Huntingdon and Mifflin; and the Fifth of the counties of Westmoreland, Fayette, Washington and Allegheny.

The appointees to the presidency of these several circuits, named by Governor Mifflin, were men of mature age, high character and eminent abilities, the majority of whom had already held judicial stations. Some notice of them, other than of Judge Rush, will not be inappropriate in this connection.

James Biddle, assigned to the presidency of the First Circuit, was of English descent, born in Philadelphia, February 18, 1731, and belonged to a distinguished family of prominent Whigs during the Revolution who held conspicuous official stations. A brother, Edward, was a member of the Continental Congress; another, Charles, was a Vice-President of Pennsylvania under the Constitution of 1776; and a third, Nicholas, was Commodore in the Continental Navy, and commanded the frigate *Randolph* which was blown up in action with the British ship *Yarmouth* off the coast of North Carolina in 1778. James Biddle studied law in the office of John Ross, then one of the foremost lawyers of the Province, and came to Berks County upon its creation in 1752, residing and practicing his profession at Reading, in association with his brother Edward, for a considerable period. In 1788 he was appointed Prothonotary of the Court of Common Pleas of Philadelphia, and the same year was commissioned one of the Associate Judges of that county. He was commissioned president of the First Circuit September 1, 1791, and held the office until his death June 14, 1797.

William Augustus Atlee, president of the Second Circuit, was born in Philadelphia July 1, 1735, and removing

to Lancaster at an early age was admitted to the Bar of that county August 13, 1758. On August 16, 1777, he was commissioned one of the Judges of the Supreme Court, and was reappointed August 9, 1784. He was commissioned August 17, 1791, president of the Second Circuit, which office he held for two years, his death occurring September 9, 1793, occasioned by yellow fever contracted while holding court in Philadelphia during the prevalence of the epidemic of that year. He was succeeded by the Hon. John Joseph Henry.

Thomas Smith, president of the Fourth Circuit, was a Scotchman, born in 1745, and arrived here in 1768. He settled in Bedford County, becoming a land surveyor there. He was a half-brother of the Rev. Dr. William Smith, first president of the College of Philadelphia; was admitted to the Bar in 1777, a member of the State Constitutional Convention of 1776 for the County of Bedford; elected by the Legislature in 1780 a delegate to the Continental Congress, and commissioned August 20, 1791, President Judge of the Fourth Circuit. He served in that capacity until January 31, 1794, when he was appointed Judge of the Supreme Court in succession to William Bradford, remaining a member of that body until his death, March 31, 1809. His nephew, Charles Smith, (born 1765; died 1840), who was appointed in 1819 President Judge of the District composed of the counties of Cumberland, Franklin and Adams, and subsequently president of the District Court of the City and County of Lancaster, was the author of the series known as Smith's Laws, a monumental compilation of research and instruction in ancient Pennsylvania statutes and judicial decisions thereunder.

Alexander Addison, president of the Fifth Circuit, was born in Scotland in 1759; educated at Aberdeen and licensed to preach in the Scottish church. He came to this country a young man, and for a time preached in Western Pennsylvania. He studied law and was admitted in 1787

to practice at the Washington County Bar. August 22, 1791, he was commissioned President Judge of the Fifth Circuit. A strong federalist in his political faith he incurred the hostility of the opposition, and having during the Whiskey Insurrection of 1794 taken a firm stand for the upholding of law and order, his political enemies who had long sought his overthrow procured his impeachment by the Legislature in 1803. The ground of complaint against him was his interference to prevent one of his lay Associates of opposite political sentiments from charging a grand jury in opposition to views previously expressed to them by the President, and also his instructions to a traverse jury to disregard certain rulings announced to them by the Associate in a pending case. "After a trial," said the late Mr. Chief Justice Agnew in an address to the Allegheny Bar Association in 1888, "the most flagitious ever urged on by vicious hate and obnoxious partisanship," he was convicted, removed from office, and declared forever ineligible to hold judicial position. "In his volume of Reports," said the same eminent judge, "and in his charges to juries and essays may be read the fidelity, learning and impartiality of the judge and the luminous virtues of the man." He died November 24, 1807. He was succeeded in office by Samuel Roberts, an appointee of Governor McKean, and who was the author of the "Digest of British Statutes in Force in Pennsylvania," published in 1817.

Judge Rush was commissioned President of the Third Circuit August 17, 1791, and selecting Reading as his residence, continued to live there during his term of service. Periodical journeys to Easton, Sunbury and Wilkes-Barre were necessitated in the discharge of his official duties. These were performed usually on horseback, over roads at all times difficult and dangerous, and occasionally, in the inclement seasons, almost impassible. Upon these official pilgrimages his retinue usually included a number of itin-

erant practitioners who attended the sessions of the several courts of the circuit. The judges were personages of great importance in the eyes of the yeomanry, and their sittings were regarded as notable public events. The custom of meeting the President Judges by the Sheriffs and constabulary, upon their approach to the county seats, was at that day very general, though it varied in features in the different jurisdictions. In most instances the object seems to have been to safeguard their Honors rather than to afford a mere official pageant. In the New England States, which preserved longest English usages in this particular, it is said, the escorting of the judges was kept up a century ago with much display, both as to the number of the retinue and its ceremonial outfit. The late Mr. Justice Strong informed me that such was the custom in his boyhood in his native State of Connecticut. Official gowns were worn by the Justices of the Supreme Court, but not it seems by the local judiciary. The English wig was discarded. We read that Chief Justice Thomas McKean presided over his court attired in a scarlet robe, and wearing a cocked hat, in which, being a man of imposing presence, he must have made a truly regal appearance.

*** The attitude of the Bench was at that day undoubtedly more autocratic than in later times, after the period of the elective judiciary. Judge Rush was certainly not an autocrat in the capricious and offensive sense, but he entertained a high sense of the dignity of his office. By an early paragrapher he was characterized as "a rough diamond, unseemly in exterior but of great value," adding that "his manner was plain, perhaps slightly unamiable, and his temper was impatient of contradiction and subtlety when in the exercise of his official functions. Yet he was a wise judge and a good man." Unless we know the provocations which arise at times to ruffle the temper of a judge how can we pass any just criticism upon his official manners?

Of Judge Rush's methods of administration we have at this day but scant traditions. His contemporaries have handed down to us but little concerning those personal details which we would most like to know. Of those who wrote concerning him, the late David Paul Brown of the Philadelphia Bar, who as a very young man remembered the Judge personally, has paid him an elaborate tribute, which is found in his "Forum," published in 1856. In it he says, in part: "Judge Rush was a man of great ability and great firmness and decision of character. *

* * There are few specimens of judicial eloquence more impressive than those which he delivered during his occupation of the Bench. * * * Some of his early literary essays were ascribed to Dr. Franklin, and for their terseness and clearness were worthy of him.

* * * His charges to the jury generally, and his legal decisions, were marked by soundness of principle and closeness of reason. * * * His uprightness of conduct and unquestionable abilities always secured to him the respect and confidence, if not the attachment of his associates, the members of the Bar and the entire community. * * * He was one of the gentlemen of the old school, plain in his attire, unobtrusive in his deportment, and while observant of his duties towards others was never forgetful of the respect to which he himself was justly entitled." It was not uncommon in the period to which we are referring for the learned president judges to come into antagonism with their lay associates, especially where the latter were of the opposite political faith. The associates, though not required to be learned in the law, and expected to occupy subordinate relations as to the decision of purely legal questions, were nevertheless constitutionally clothed with equal authority with the presidents in their respective counties, which at times they had the disposition to assert. In a case arising in the Orphans' Court of Berks County in 1804, involving an application to set aside an inquisition

upon the real estate of a decedent, on the ground of a gross underestimate of the contents, Judge Rush ruled against the motion, but the associate judges, Morris and Diemer, expressed themselves in favor of it, and ordered that the inquisition be quashed and a new one made. The losing counsel announced their intention to appeal to the Circuit Court. Thereupon the president is reported to have replied: "Yes, do appeal. It is a monstrous and abominable decision, subversive of all justice, and calculated to throw everything into confusion. Every inquisition will be set aside now. Pandora's box will be opened by such proceedings. You better not appeal to the Circuit Court; appeal to the Supreme Court. You will have a full Bench there. I remember a case which I determined which was reversed by two judges of the Supreme Court, and not two men who had their heads on ever decided more absurdly." Much to the Judge's mortification, no doubt, on the appeal being taken to the Circuit Court, the decision of the associate judges was affirmed. Pending the disposition of the case, on another occasion, he openly and sharply criticised the Associates for not appearing promptly upon the Bench at the hour fixed for opening court. In the next year the Associates preferred charges against him to the Legislature, with the view of his impeachment, but the Committee on Grievances reported the charges to be unfounded. The Judge brought a counter complaint against the Associates, which was similarly disposed of, and also instituted a prosecution against the printer of a local newspaper for libel in making comments upon his administration alleged to be derogatory to his official character.

In criminal cases, especially, Judge Rush was expeditious in his methods, and no time was wasted in his court upon technicalities. In the notable case of Richard Smith, tried before him in Philadelphia in 1816, for the murder of Captain John Carson, when the prisoner was brought up

for sentence, his counsel filed an unusually long list of objections, one of which alleged that the president had formed his opinion and written his charge before he had heard the prisoner's defence. The Judge disposed of them thus: "The Court thinks this is not a proper time to refute several things alleged in that paper. It is sufficient to say they are not only false, but utterly without foundation," and thereupon he immediately proceeded to pass the sentence of death.

In the administration of the criminal law at the period to which we have been referring, great delays in criminal trials were comparatively rare. The newspapers of the day were not in the habit of discussing sensational cases in advance of the trial, and results only were announced, without comment. More regard was had to the solemn verdict of a jury at that day than at this. New trials were infrequent, applications being disposed of within a few days; sentences were promptly passed, and justice administered without undue delay. The battle for the life of the murderer ended usually with his conviction, and not after every avenue of appeal could be exhausted.

It was Judge Rush's lot to preside over the courts of the district in times of high political excitement. During the administration of Washington the French Revolution broke out. As our former ally against England in the War of the Revolution, a strong feeling of sympathy was evinced in this country with France, and secret political societies were formed similar to the Jacobin Clubs, in the French interest. Liberty poles were erected in token of this sentiment. Red, white and blue cockades were worn by the French sympathizers, black cockades being displayed by the Federalists. The Alien and Sedition laws passed by Congress during the Adams administration to counteract the schemes of the foreign partisans, served only to increase the public excitement, which culminated in a political revolution, resulting in the election in 1799 of Thomas

McKean to the Governorship of Pennsylvania, and in the following year to the election of Mr. Jefferson to the Presidency.

Judge Rush was a Federalist of the straightest sect. To him federalism and patriotism seemed synonymous. The other judicial appointees of Governor Mifflin were of the same political faith. He presided at a meeting of Federalists at Reading in 1788 to celebrate the anniversary of John Adams' birth, at which toasts were drunk and cannon fired. In 1798 he was chairman of a federalist meeting which adopted resolutions condemning foreign influence, and pledging support to the Administration.

In August 1798, after diplomatic relations with France had been severed, he delivered a lengthy address to the Grand Jury of Berks County, congratulating them upon the dissolution of the political ties which had bound us to the French nation. "Thank God," said he, "the Gordian knot is at last cut, and we are separated I trust forever. Upon the seventeenth day of July Congress by law solemnly disannuled our treaties with that country, and declared them to be no longer binding upon the United States. * *

* Let the voice of joy and gratitude be heard throughout our land. The dissolution of our ties is a declaration I trust of our independence of France, and perpetual exemption from the baneful effects of her morals, her religion and her politics."

The entire address was a remarkable utterance, partaking of the character both of an elaborate state paper and an impassioned political arraignment. Whilst it doubtless suited the federalists, it must have given offence to the opposition. It was published at the request of the grand jury and widely circulated through the medium of the federalist newspapers of the day.

In 1794, during the disturbances in Western Pennsylvania known as the "Whiskey Insurrection," Judge Rush took occasion in his charges to condemn the course of those

concerned in the outbreaks in opposition to the excise tax. In the height of the John Fries insurrection against the house tax, in April 1799, he delivered a charge to the grand jury of Northampton County, the scene of the disturbances, firmly enjoining obedience to the law which was the subject of the revolt. The Alien and Sedition laws passed during the John Adams administration also came in for a vindication at his hands. All these subjects, it will be observed, concerned the laws of the Federal Government, and were therefore exclusively within the jurisdiction of the Federal Courts.

Had he presided in the western section of the State, Judge Rush might not have escaped impeachment proceedings such as those of which Judge Addison was the victim, for the opinions and utterances of the two distinguished jurists upon public subjects were closely identical. No one reading the dignified, scholarly and patriotic charges of the latter, published in the volume of his reports, can fail to be impressed with the sincerity of his convictions and the courage with which he maintained them. Yet partisan rancor accomplished in his case the deposition of one of the purest and ablest judges who ever sat upon the Bench in Pennsylvania.

Impeachments were the order of the day at that period. Judges were proceeded against, not for "high crimes and misdemeanors," but for alleged arbitrary methods of administration. The popular jealousy of the life tenure of their appointment undoubtedly had much to do with the opposition to the judiciary as a class, independently of partisan considerations.

The Pennsylvania Court of Admiralty had been the subject of inquiry in 1780 in the proceedings against Judge Francis Hopkinson, on charges of receiving favors from litigants in his Court, issuing unlawful process and exacting excessive fees. The complainant was Matthew Clarkson, the Marshall of the Court, who had been dismissed from his

office. Judge Hopkinson was unanimously acquitted by the Supreme Executive Council, and the confidence in his abilities and integrity was subsequently evidenced by his appointment, upon the organization of the Federal Government, to the position of first Judge of the District Court of the United States for the Eastern District of Pennsylvania.

In 1811, Thomas Cooper, President Judge of the Northumberland, Luzerne and Lycoming district, was impeached on a variety of charges of arbitrary conduct in the administration of justice, and removed by Governor Snyder upon the address of two-thirds of the members of the Legislature.

The State Supreme Court itself did not escape the epidemic of impeachment. In 1805, Chief Justice Shippen and his associates, Jasper Yeates and Thomas Smith, were tried before the Legislature and acquitted of a single alleged "arbitrary and unconstitutional act" in sentencing Thomas Passmore to a fine and imprisonment for a supposed contempt arising from a publication out of Court relating to litigation pending therein. Judge Chase, a member of the Supreme Court of the United States, was the first and the only Judge of that Bench to be impeached under the Federal Constitution. The proceedings took place in 1804, and grew out of alleged irregularities in the trials of John Fries for treason and Thomas Callender for sedition, upon which charges Judge Chase, after a protracted and notable trial, was acquitted.

The contemporaneous local newspapers of the day, upon which sources I have largely drawn in illustration of the judicial career of Judge Rush, furnish a number of incidents concerning his methods of administration during this stormy political period.

Upon the return, in April, 1799, of the military sent to quell the insurrection in Northampton County by John Fries and his associates, a troop of horse commanded by Captain Montgomery, of Lancaster, passing through Reading, seized the publisher of a local German newspaper for

some reflections upon their exploits in cutting down liberty poles and took him before the captain, who ordered him to be publicly whipped in the market place, which was done, though the punishment was but lightly administered. For this, three of the troopers were prosecuted, pleaded guilty in Judge Rush's Court and were fined ten dollars each. The lightness of the sentence occasioned as much of a sensation among the anti-Federalists as the offence itself, and the Court was sharply criticised for its action, which was ascribed to partisan sympathy with the offenders. Judge Rush subsequently in a private letter said he was disposed to make the sentence much higher, but was overruled by his associates—a circumstance of which as a matter of course he could make no public explanation.

An apprentice boy pulled a Federalist cockade from the hat of another lad, who retaliated by hitting him with a stone. Prosecutions followed; the apprentice pleaded guilty and the stone thrower was convicted. The judge expatiated upon the enormity of the crime of pulling a cockade off the hat of another, and lectured the youth severely. The stone thrower was fined one cent, and the apprentice eight dollars. A man who had made use of hostile expressions against the Federal officers was arrested and taken to prison and the next day brought before the Court, who, after hearing the evidence, bound him in the sum of five hundred pounds for his appearance at the next term of the United States District Court to answer for violation of the Sedition Act.

Such was the heat of party feeling at this time that Albert Gallatin, then a member of Congress, and subsequently President Jefferson's Secretary of the Treasury, was the object of a peculiar demonstration while stopping over night at a tavern in Reading upon his journey in his private conveyance to his home in Western Pennsylvania. His political friends caused all the bells in the town to be rung and a cannon fired upon his arrival. A company of Federal Blues, with some of his political enemies, favored

the guest with a different sort of ovation. Collecting before the tavern in the evening a fife and drum band played the "Rogues' March," and the next morning upon his departure Mr. Gallatin was escorted out of town to the music of the same inspiring strain. None of the parties got into court, however, and consequently we have no judicial definition of the status of the "Rogues' March" as a political serenade.

Next in importance to his faith in Federalism, Judge Rush believed in the maintenance of social order by the literal and rigid enforcement of the Act of 1794, against vice and immorality—contemptuously referred to as the Blue Law—passed during his administration. It prescribed summary conviction for various offences, among them Sabbath breaking, profane swearing, intoxication, cock-fighting, games of hazard, unlawful sales of liquor, harboring minors, challenges to fight, etc. The Judges of the Supreme and Common Pleas Courts and justices of the peace were required to proceed against offenders, who were to be punished by fine and imprisonment. Each one of the misdemeanors enumerated was made the subject of a charge to the grand jury by Judge Rush, and every crime in the Decalogue was likewise defined and expatiated upon at length. These charges collectively form a series of remarkable homilies, in which the law and the gospel are set forth as of equal civic obligation. To carry out the mandates of the Act of 1794, the Judge gave instructions to the magistrates and constables in the different counties of his district to be vigilant in apprehending offenders. He also addressed a circular letter to the clergy of Reading, asking them to aid him in checking the irregularities of the youth of the town which had fallen under his observation. Under his instructions little boys were arrested by the constables and imprisoned for several days for ball playing in the public streets on Sundays. He was without doubt a terror to evil-doers, big or little. By many he was regarded as a moral censor of the severest school. Perhaps it is charitable to

conclude that in his methods of social reform his zeal outran his discretion.

Of his perfect sincerity of belief and purpose there cannot be the slightest doubt. In his view it was sufficient to point to the provisions of the law, whether human or divine, to justify its wisdom and enforce its obligation. *Ita lex scripta est* was his maxim, and reverence for authority his controlling principle. A volume of his charges on moral subjects was published in 1803, at the request of the leading Presbyterian clergy of Philadelphia. With the collection is incorporated the text of the Act of 1794, the letter to the clergy of Reading and his Remarks to a condemned murderer in passing the sentence of death upon him in 1797. The latter is a pious appeal, in the fashion of the times, to the criminal for repentance and preparation for his approaching doom, worthy of the zeal of a spiritual confessor.

Of several of the Judge's charges, both published and unpublished, I have the original manuscripts, upon which are noted the dates upon which they were delivered in the different counties of his district. Apart from their moral exhortations they contain the usual instructions to the jury as to the performance of their duties in general, as well as with reference to matters of local concern, and conclude invariably with a repetition of the phraseology of the grand jurors' oath. In loftiness of conception and stateliness of diction they suggest a close resemblance to the grandiloquent lectures on law by James Wilson, with which they were, in part at least, contemporaneous. It is needless to add that the common practice in the earlier days of making the charge the vehicle for all sorts of topics and opinions, whether relative to the administration of justice or not, has passed entirely out of fashion. The judges of our time wisely and safely confine themselves in their charges to grand juries to instructions strictly germane to their official duties.

In 1806 an act was passed reorganizing the judicial circuits, by which the City and County of Philadelphia was made a separate district. In March of that year Judge Rush was commissioned its president, in the place of William Tilghman, who was appointed Chief Justice of the Supreme Court. In 1811 the District Court of Philadelphia was established, with jurisdiction in all cases where the sum in controversy exceeded one hundred dollars. It absorbed the most important legal business of the County, and correspondingly lightened the labors of the Court of Common Pleas. Judge Rush served upon the Bench of the latter until his death on January 5, 1820, occasioned by an apoplectic seizure, in the seventy-third year of his age, having completed nearly thirty-six years of continuous judicial service. He left surviving him four daughters, but no male descendant, his wife, Mary Rench, to whom he was married in 1777, preceding him in death August 31, 1806. The Bars of the several counties in which he had presided paid suitable tributes of respect to his personal character and official worth, and his memory is perpetuated in some of these localities in the designation of townships named in his honor.

THE SELECTION AND DRAWING OF JURORS

Paper read before the Pennsylvania Bar Association, July 2, 1914

By T. ELLIOTT PATTERSON, Esq., of Philadelphia

On the fifteenth day of November, 1784, Mr. Erskine made his noted argument for a new trial in defense of the Dean of St. Asaph.

Sir William Jones, one of the most versatile legal scholars of his time, a few days before leaving for India, where his government had assigned him to an important position, placed with his brother-in-law, the Dean of St. Asaph, a pamphlet entitled "A Dialogue Between a Gentleman and a Farmer." The dean published the pamphlet and was indicted and tried for printing a seditious libel. The trial had taken place before Judge Buller, and in the argument for a new trial Lord Mansfield presided. The hearing and conduct of this remarkable argument was thus favored with some of the greatest ornaments of the English Bench and Bar.

RIGHTS OF JURIES

Possibly, never before nor since, have the rights of juries ever had a more able presentation by the Bar or a more careful consideration by the Bench. This was the occasion that called forth from Lord Campbell his high compliment to Mr. Erskine, wherein he said that he "displayed the most perfect union of argument and eloquence ever exhibited in Westminster Hall." Mr. Erskine, as we all know, had many other notable successes as an advocate, and we are not surprised to find that when elevated to a peerage he had inscribed on his coat of arms "*Trial by Jury.*" And from the day of that noted argument to the present the juror and the jury have continued to hold their place in our



T. HAZARD FARRIS

THE SELECTION AND DRAWING OF JURORS

Paper read before the Pennsylvania Bar Association, July 2, 1904

BY J. F. LEAH PATTERSON, Esq., of Philadelphia

On the fourth day of November, 1784, Mr. Erskine made his famous argument for a new trial in defense of the *Queen of Scots*.

Samuel Johnson, one of the most versatile legal scholars of his time, a few days before leaving for India, where his government had assigned him to an important position, placed with his brother-in-law, the Dean of St. Asaph, a pamphlet entitled "A Dialogue Between a Gentleman and a Farmer." The dean published the pamphlet, and was indicted and tried for printing a seditious libel. He was acquitted, and placed before Judge Buller, and in the course of the trial Lord Mansfield presided. The famous argument of this remarkable argument was made by the farmer, one of the greatest ornaments of the English language.

RIGHTS OF JURORS

For the first time, never before nor since, have the rights of juries ever had a more able presentation by the Bar or a more careful consideration by the Bench. This was the occasion that called forth from Lord Campbell his high compliment to Mr. Erskine, wherein he said that he "discovered the most perfect union of argument and eloquence ever witnessed in Westminster Hall." Mr. Erskine, as we know, had many other notable successes as an advocate, and it is not surprising to find that when elevated to a peerage he inscribed on his coat of arms "*Trial by Jury*." And the principles of that noted argument to the present time have continued to hold their place in our



T. ELLIOTT PATTERSON

Digitized by Google

English and American system of administrative jurisprudence; and of them, and about them, young lawyers "have seen visions and older lawyers have dreamed dreams."

Historic treatises have been written of it as a trial body, volumes upon the conduct of trials before juries, and monographs and pamphlets of larger growth without number on the constitutional right of trial by jury. It is therefore remarkable how few comparatively of our legal writers, except publicists along politico-legal lines, have considered either the source from which they spring or the channel through which they move, from the plough and the counting-house, the shop, the factory, the loom, the forge and our great transportation industries and systems, to the *jury wheel and box*, from which they came forth, only, at the touch of the magic wand, that transforms them into priests and vestals in the temple of justice, where tailor-made gowns and skirts alike have now become sacred vestments in the sanctuary of the blind goddess.

In calling your attention, then, to a phase of the jury system, of which little is said and less thought — that of the drawing and selection of jurors, I can well adopt the language of Dr. Arnold, of Rugby, in one of his introductory lectures on Modern History, where he says: "*Still I think that what I am doing may be very useful.*" Or the words of that patron saint of our profession, to whom no one has rendered greater homage and adoration than our good President, where in Chapter 23 of Book 3 of his Commentaries, Sir William Blackstone, in the consideration of the whole of the jury system said: "He should proceed to the dissection and examination of it in all its parts, from whence indeed its highest encomium will come, *since, the more it is searched into and understood, the more it is sure to be valued.*" However much, therefore, we may value the system as a whole, there are comparatively few, even of our own profession, and especially does this apply to the judicial districts containing the large centers of population.

who know or appreciate the importance and care required, and that which is necessarily and conscientiously given to the selection of the larger body in the first instance, from which a smaller must be drawn, from which in the last instance the *sacred twelve* are chosen who are to pass upon the life, liberty, property and reputation of their fellow-citizens. So much has been said about this sacred number that a citation is in place, from the late *Professor Thayer's Law of Evidence*, part 1, page 90, on "Trial by Jury and Its Development," where he says: "We shall read in *Duncombe's Trials per Pais* (1665), this account of the sanctity and foreordained character of the number twelve." And first as to their (the jury's) number twelve, and this number is no less esteemed by our law than by Holy Writ. If the twelve apostles on their twelve thrones must try us in our eternal state, good reason hath the law to try our temporal. The tribes of Israel were twelve, the patriarchs were twelve, and Solomon's officers were twelve. 1 Kings iv. 7. * * * Therefore not only matters of fact were tried by twelve, but of ancient times twelve judges were to try matters in law, in the Exchequer Chamber, and there were twelve counsellors of state for matters of State; and he that wagemeth his law must have eleven others with him who believe he says true. To which may be added, Lord Chief Justice Hale's (1609-1676) estimate of the jury and of the number twelve, as an "institution most admirably calculated for the preservation of liberty, life and property, indeed (for) what greater security can we have for these inestimable blessings than the certainty that we cannot be divested of either, without the unanimous decision of *twelve of our honest and impartial neighbors*."

And of our own State, whose liberties were not whittled out within the narrow cabin of the Mayflower, it is interesting to find that as early as April 2, 1664 (Duke of York's Laws, page 33) provision was made for summoning and selecting jurors "proportionable to the causes with regard

to the equality of the number from each Towne and according to the warrant." And at page 69, "that in all cases to be tried by juries at the General Court of Assizes the number of Jurors shall be Twelve." Coming down to the days of Penn and the Laws Agreed Upon in England April 2, 1682, Section 8 provided "that all trials shall be by *twelve men*, and as near as may be peers, or equals, and of the neighborhood, and men without just exception. In cases of life there shall be first twenty-four returned by the Sheriff for a grand inquest, of whom twelve at least shall find the complaint to be true; and then the twelve men or peers, to be likewise returned by the Sheriff shall have final judgment." In the Charters and Laws of the Province of Pennsylvania, at page 464, we have the record of the "first jury known to have been empaneled in Pennsylvania." And judging by their names and the customs of the times, we doubt very much if the old pioneer's description of his Indian foes would apply to them—"gentlemen without hats," and we may fairly assume that they sat with their hats on and quite probably, with pipes in their mouths. Hats on in court is within the memory of some of us as late as the early seventies of the present generation, while smoking in court was apparently no great violation of its rules as late as 1815 or 1819, from the picture of William Lewis, the leader of the Philadelphia Bar about the close of the Revolution, taken with the permitted cigar in his mouth. This picture is much prized by its owner, a member of the Philadelphia Bar, and illustrates a high order of judicial forbearance, and sympathetic indulgence on part of the Bench not unlike that of Judge Thayer in a noted winehouse case, where the various brands being enumerated by counsel at the Bar, remarked: "Mr. Staake, you make the Court's mouth water."

USE AND NOT TRADITION ONLY

Any institution that takes so firm a hold upon the customs of a people as to write itself into the constitution and statutes of its Federal and State governments alike, must have some greater reason for its existence and continuance than mere tradition. And where the United States and the forty-eight separate States of the Union call annually into service three hundred thousand or more of its lay citizens to assist its judges in the administration of justice, it must have some underlying principle running deeper than mere sentiment to maintain it. It has so impressed the closest and most accurate observers, who have come among us from other lands to study our institutions and to report back to their own country or to publish to the world their findings of fact, and of controlling principles and rules in support of the conclusions reached by them or opinions rendered.

One of these, Alexis DeTocqueville, whom John C. Spencer tells us "came among us, fresh from the scenes of the 'three days' revolution in France, to observe carefully, and critically, the operation of the new principle on which the happiness of his country, and, as he seemed to believe, the destinies of the civilized world depended," expressed his views most intelligently and appreciatively as follows:

"Laws are always unstable unless they are founded upon the manners of a nation; manners are the only durable and resisting power in a people.* * * If it had been as easy to remove the jury from the manners as from the laws of England, it would have perished under Henry the VIII., and Elizabeth; and the civil jury did in reality at that period, save the liberties of the country. In whatever manner the jury be applied, it cannot fail to exercise a powerful influence upon the national character; but this influence is prodigiously increased when it is introduced into civil causes. The jury, and more especially the civil jury, serves to communicate the spirit of the judges to the minds of all the citizens; and this spirit, with the habits which attend it, is the sound-

est preparation for free institutions. It imbues all classes with a respect for the thing judged, and with the notion of right. If these two elements be removed, the love of independence is reduced to a mere destructive passion. * * * It invests each citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge towards society; and the part which they take in the government. By obliging them to turn their attention to affairs which are not exclusively their own, it rubs off that individual egotism which is the rust of society. * * I think that the practical good sense of the Americans is mainly attributable to the long use which they have made of the jury in civil causes."

Democracy in America, Vol. I, p. 311.

This fine tribute to the advantages of the jury system by one of whom Mr. Bryce, as late as 1901, said was "so careful and so unprejudiced an observer that I doubt if there be a single remark of his which can be dismissed as erroneous or superficial," is well worthy of frequent repetition and wide circulation among all conditions of our people.

Crossing the Rhine and following a German soldier lad of 16 from Waterloo* to America, and his life among us from 1827 to his death in 1872, we find these observations on what he terms "is part and parcel of the Anglican self-government."

"The trial by jury, then, if properly and intelligently administered, divides the labor of the administration of justice, and permits each party quietly to find the truth in the sphere assigned to it: "It binds the citizen with increased public spirit to the government of his Commonwealth, and gives him a constant and renewed share in one of the highest public affairs, the application of the abstract law to the reality of life—the administration of justice: "It gives to the advocate that independent and honored

*Lieber's first shot in battle killed his antagonist, whose shot had grazed young Lieber's hair.

NOTE:—Henry Theodore Staake, grandfather of our Secretary, was a captain of artillery in this battle.

position which the accusatorial process as well as liberty requires, and it is a school for those great advocates without which broad popular liberty does not exist."

Lieber on Civil Liberty and Self-Government,
pp. 234-7.

But however interesting and complimentary the observations of the student may be, the average American, as his brother from the Middle West, likes to inquire into some of the provisions and safeguards of the jury, with the proverbial question—"show me." And when a footnote to a current edition of the English Statutes shows that "Trial by jury is not much in favor with county court litigants in England, where in 1901 out of 783,655 actions tried only 1001 were tried with a jury, a passing glance at their County Court Act may be of interest.

An examination of their Act of 1888 shows, however, that a jury can be summoned only (except by leave of the Judge) in cases where the amount in dispute amounts to or exceeds five pounds (5£), and by the same section every party requiring a jury to be summoned * * * before he shall be entitled to have such jury summoned shall pay the registrar of the court the sum of five (5) shillings, now increased to eight (8) for payment of the jury, and such sum shall be considered as costs in the action unless otherwise ordered by the Judge. Increased as to amount in dispute to one hundred (100£) pounds by Act of 1903.

Chitty's English Statutes, Vol. 3, p. 179, 6th Ed. (1912).

Up to 1888 the jurisdiction only allowed a jury where the amount in dispute amounted to or exceeded 5£ (\$25). In 1853, thirty-five years earlier, Lord Chancellor Cranworth, in a speech in the House of Lords, said:

"Trial by Judge instead of by jury had been eminently successful in the County Courts; but in attempting to extend to cases

tried in other Courts we must not lose sight of the fact that we should be taking a step towards unfitting for their duties those who are to send representatives to the other house of parliament, who are to perform municipal functions in towns, and who are to exercise a variety of those local jurisdictions which constitute in some sort in this country a system of self-government. It may be very dangerous to withdraw from them that duty of assisting in the administration of justice. Mechanics schools may afford valuable instruction, but I doubt if there is any school that reads such practical lessons of wisdom, and tends so much to strengthen the mind, as to serve as a juryman in the administration of justice."

How much of that valuable instruction of her citizens has been lost to England through the judicial discretion provision of their County Courts Act above cited, remains to be seen, if not seen now, in the want of law and order and self-restraint in the home life of her people. Instruction is lacking somewhere, and it is of the kind that cannot be acquired in the schoolroom but has to be learned from contact with the practical activities common to the life of men among men in the ordinary daily round of their callings and occupations.

STATISTICS AS AN OBJECT LESSON

Statistics are not always interesting but at times even their silent array becomes eloquent. The response to the call to arms fifty years ago: "We are coming Father Abraham three hundred thousand strong," had some significance, and when we are told in these "piping days of peace" that 300,000 or more of her lay citizens are called as we have already stated to aid in the administration of justice every year and that Pennsylvania alone every five years (5) sets aside more than 300,000 for that duty it raises a few questions that are not without significance in the light of what the jury stands for in our system of government.

SELECTION OF JURORS

Any institution that is hedged about with as many constitutional and statutory provisions as the jury should have in the number and character of those who compose it, and the manner and care with which they are selected, as many safeguards, and no more, than the common sense and good judgment of the people may deem essential. And yet, with all the care, as said by one of the Common Pleas Judges of Philadelphia, "in the last analysis, we must trust to the honesty and integrity of those who have special charge under the law of carrying it out faithfully."

In England, the church wardens and overseers of the parish, and the overseers of every township make out an alphabetical *list* of every man residing within their respective parishes or townships, who shall be qualified and liable to serve as jurors. On the three (3) first Sundays of September they shall fix a true copy of said list upon the principal door of every church, chapel and other place of religious worship in their parishes or townships.

Chitty's English Statutes, Vol. 6, pp. 1-39
(1895)

In the United States, jurors to serve in the Courts of the United States, in each State respectively, shall have the qualifications of jurors for the highest court of law in such State. The Clerk of the Court and a commissioner of opposing politics select the jurors.

United States Revised Statutes, Supplement,
Vol. 1, p. 270

In British Columbia, the names are taken from the last revised registry of voters.

Revised Statutes of British Columbia, Vol. 1,
p. 1051 (1897)

In Western Australia, the resident or police magistrate of each district selects.

Statutes of Western Australia, Vol. 1, p. 543
(1833-1882).

In India, the Clerk of the Crown, not only prepares the lists and has full discretion, but there is no review or appeal from his decision.

Acts passed by the Governor General of India,
Vol. 1, ch. 10, p. 484.

In South Africa, the Magistrate of each district prepares the jury list. (1905).

Legal Hand Book of British South Africa,
p. 228 for Cape Colony.

Coming back to our own possessions, we find jury commissioners appointed by the Judge prepare a list of 150 names for each precinct in *Hawaii*.

Revised Laws (1905).

Returning to the States we find the statutory provisions of Illinois giving every County containing over 250,000 inhabitants, three competent and discreet electors appointed by the judges who shall be known as jury commissioners. These commissioners have power with the approval of the judges or a majority of them, to appoint a competent elector in each or any voting precinct or district who shall be known as deputy jury commissioner, and whose duty it shall be to furnish such jury commissioners from time to time, as required, a list of the qualified electors residing in said voting precinct or district, and such other information as may be required by said jury commissioners. The said jury commissioners shall also have power to summon electors to appear before them and to examine them touching

their qualifications for jury service. They shall have power to administer oaths or affirmations in the discharge of their duties.

It shall be the duty of the commissioners, to have and maintain at all times in said jury box, not less than fifteen thousand (15,000) names, and in the Grand Jury Box not less than one thousand (1,000).

Ill. Revised Statutes, page 1426 Sec. 28 and 29 (1912).

The Illinois system is suggestive of some advantages where there are large centers of population to provide for, but in comparison with the Philadelphia plan, where, if carried out to every voting precinct or division, should its board determine, would add a body of 1245 division deputies to its number. It would divide responsibility, awake suspicion, and invite the severest criticism by placing in the hands of inexperienced men, work that is now discharged, without extra cost, by experienced public officials requiring the highest qualifications in learning and of the strictest probity, of any body of men in the community,—the entire number of the Common Pleas Judges and the High Sheriff of the County.

The "Board for Superintending and Managing the Drawing and Selecting Jurors," in the County of Philadelphia, provides for all the Courts of Record in Philadelphia requiring jury service.

The Jury Commissioner for the County of New York, which includes Manhattan Borough, of the City of New York, provides for: ordinary trial jurors, Municipal Court jurors (these correspond to Justices Courts in other jurisdictions), special jurors, sheriffs' jurors, and grand jurors.

Through the courtesy of Thomas Allison, Esq., the Jury Commissioner of the County of New York, an abstract from their records shows, "that they have on their

registers about 60,000 names, of whom some 40,000 are drawn annually to serve, and of those drawn about one-third actually do service in the jury box. For the jury year beginning October 1, 1912, and ending September 30, 1913, the figures were:

Jurors drawn to serve (including jurors in the Supreme Court, the City Court, the Court of General Sessions and grand and special jurors)	36,785
Jurors served	20,892

GRAND JURORS

The selection of grand jurors differs somewhat in some of the States, but not of sufficient variance to make it a special object of comment aside from the main subject. It is too often spoken of slightingly, but its inquisitorial powers have a value and importance that should not be underestimated. The public eye should be awake, and the public ear alert to the cry of the oppressed, depressed or suppressed, whether voluntary or involuntary, that without the inspection and oversight of the grand jury might languish and suffer without relief and without redress.

Mr. George J. Edwards, Jr., of the Philadelphia Bar, in his valuable work on the Grand Jury, published in 1906, at page 44 states that,—“the Eastern States conservatism has caused the retention of the grand jury among their institutions, while in some of the Western States the grand jury has either been abolished, or the Constitution has been altered to permit this to be done. In a foot note he adds, “see the Constitutions of Colorado, Illinois, Indiana, Nebraska, Michigan, Montana, Kansas and Minnesota.”

In running the statutes of all the States, the writer does not recall one State that is without some legislation regulating the grand jury.

The examination and tabulation of the statutory provisions of the Federal Government, and of all the States of

the Union, and those also of England and her dependencies on the subjects of the selection of jurors, while interesting as a special inquiry, results in showing that the working system of any one is quite like that of nearly all. The differences are comparatively slight, but the common purpose and general usage are remarkably similar. The older States set the pace, and the newer and later States as they came along followed closely in the same track.

QUALIFICATIONS OF JURORS

There is far too much idle and careless expression of opinion on the lack of fitness of the average juror for his duties, overlooking the fact that he fairly represents the average voter in his fitness for citizenship duties in the community. Property and educational qualifications may be imposed, as they are in some of our States and in England, while in the greater number of our States the qualification of an elector, or voter, with or without property or educational requirements is sufficient. The ballot at the polls should carry as great weight and responsibility as the ballot in the jury room. The citizen voter without instructions, who votes for the lawmaker, who legislates for or against capital punishment for murder in the first degree, should be equally capable with the citizen juror who inquires and determines under instructions, whether the lawbreaker is, or is not, guilty of murder in the first degree.

The citizen capable of voting for an increased tax rate, is as capable of determining the question of damages for injuries resulting from a defective sidewalk. The Japanese private in the ranks had nearly all the qualifications of a captain in commission. The qualified American voter is an equally qualified American juror. Compulsory registration of the voter might further assure his greater fitness as a juror.

In Philadelphia "prior to the first day of December in each and every year the receiver of public taxes of the said

city shall lodge with the sheriff, for the use of the said board, a duly certified list of all the taxable inhabitants of the said city, setting out their names, places of residence and occupation; and prior to the tenth day of December in each and every year it shall be the duty of the said board, or a quorum thereof, to assemble and select from the said list of taxables a sufficient number of *sober, healthy and discreet* citizens to constitute the several panels of jurors, grand and petit, that may be required for service in the said several courts for the next ensuing year, in due proportion from the several wards of the said city, and the principal avocations."

Act of April 20, 1858, P. L. 354, Sec. 2.

The *English County Juries Act* of 1825 uses very familiar language, where it directs the sheriff to "return a competent number of *good and lawful men* of the body of the County qualified according to law."

Chitty's Eng. Statutes, Vol. 6, p. 740 (1912).

Massachusetts requires their Board of Election Commissioners to prepare a "list of such inhabitants of the city or town as are of *good moral character, sound judgment*, and free from all legal exceptions."

Revised Laws of Mass., Vol. 2, p. 1587 (1902).

New York has, in addition to a property qualification, a different variety of character qualification from *Massachusetts*, "of *fair* character, of approved integrity, of sound judgment and well informed."

Annotated Consolidated Laws of N. Y., Vol. 3, p. 2829 (1909).

North Carolina selects from the tax returns and requires that the preceding year's taxes shall have been paid, and of "*good moral character* and of sufficient intelligence."

Pels Revisal of N. C. (statutes), Vol. 1, p. 1065.

Oklahoma requires the qualifications of electors of "*sound mind and discretion, of good moral character.*"

Illinois requires "*fair character, of approved integrity, of sound judgment, well informed, and who understand the English language.*"

Ill. Statutes Annotated, p. 3742 (1913).

PENNSYLVANIA AS A CONCRETE ILLUSTRATION

Jury Commissioners.—Excepting the County of Philadelphia, the Act of April 10, 1867, Section 1 provides that "At a general election to be held on the second Tuesday of October, 1867 (since changed by Article VIII, Section 2, of the Constitution, to the first Tuesday after the first Monday of November), and triennially thereafter, at such election, the qualified electors of the several Counties of this Commonwealth shall elect, in the manner now provided by law for the election of other County officers, two *sober, intelligent and judicious persons* to serve as jury commissioners in each of the said Counties for the period of three years ensuing their election; but the same person or persons shall not be eligible for reelection more than once in any period of six years; provided, that such qualified electors shall vote for one person only as jury commissioner; and the two persons having the greatest number of votes for jury commissioner shall be duly elected jury commissioners for such County."

Duty of the Jury Commissioners.—"It shall be the duty of said jury commissioners, president judge or addi-

tional law judge of the respective district, or a majority of them, to meet at the seat of justice of the respective counties at least thirty days before the first term of the Court of Common Pleas, in every year, and thereupon proceed, with due diligence, to select, alternately, from the whole qualified electors of the respective county at large a number such as the term of the Court of Common Pleas next preceding shall by the said court be designated, of *sober, intelligent and judicious persons*, to serve as jurors in the several courts of such county during that year; and the said jury commissioners, president judge, or additional law judge, or a majority of them, shall in the mode and manner now directed by law, place the names of persons so selected in the proper jury wheel, and the said jury wheel, locked as now required by law, shall remain in the custody of the Sheriff of the County."

Act of April 10, 1867, P. L. 62, Sec. 2.

Philadelphia has no jury commissioners as such in name.—The Judges of the Supreme Court, when sitting in the City of Philadelphia, of the (District Court and) Court of Common Pleas of the City of Philadelphia, with the Sheriff thereof, shall constitute a "*board for superintending and managing the drawing and selecting jurors*," to serve in the several courts of the said city.

Act of April 20, 1858, P. L. 354, Sec. 1, supplemented by the

Act of April 8, 1862, P. L. 320, Secs. 1 and 2.

Act of March 13, 1867, P. L. 420, Sec. 7.

The Common Pleas Judges (now fifteen in number) and the sheriff constitute that board.

JURORS SELECTED DURING THE YEAR 1912

During the year 1912 the jury commissioners throughout the State and the board for selecting jurors in Phila-

delphia, selected sixty-seven thousand three hundred and eighty-five names (67,385) for jury service. A tabulated statement, secured by correspondence with the prothonotaries of the sixty-seven counties of the State is hereto attached, showing the number selected in each county. Taking the population of the State for 1910 at 7,665,111, and allowing one out of five (5) as a fair average of taxables or electors, we have 1,531,022 eligibles for jury duty. Dividing this number by the actual numbers selected during the year 1912 the name of one man out of every twenty-two or twenty-three was placed in the jury wheel and liable to be drawn for jury service. Of the 12,004 names placed in the wheel for Philadelphia in 1912, 9864 were drawn out, leaving 2140 to be cast out of the wheel by the board at the filling of the wheel for 1913.

The receptacle for the slips or ballots containing the names taken from the lists varies with different communities. With some they are placed in envelopes; in New York in two boxes, designated respectively, "voters' box" and "non-voters' box"; with others, as with us, the wheel is used and its custody and care, like that of the envelopes or boxes in other States, is specially provided for. The wheel is in charge of the sheriff, and though in his custody in Philadelphia, yet for his and the public's protection, and to save from any questioning, the board retains the custody of the key and upon their order it is produced in court by their clerk, where the wheel is brought by the sheriff for the drawing. The sheriff there unlocks the wheel and he or his deputy in the presence of a judge draws the names which are recorded as drawn by the clerk in the jury book and certified to by the sheriff at the end of the drawing. There is no mystery about the drawing of jurors in Pennsylvania; no blindfolding of the clerk or official drawing, as in the States of Illinois and Washington, nor delegating the duty to a child under ten (10) years of age, as in

North Carolina and Tennessee. In some States the slips containing the names placed in the wheel are required to be folded with the names turned in, so that they may not appear until drawn, and opened for recording in the jury book. An idle precaution, for where is there any more security in the opening for recording than if opened in the first instance when drawn. Especially in the larger districts would this be useless, for with them the monthly drawing of a thousand or thirteen hundred names is no memory exercise feat, but a careful and expeditious recording with accuracy in compliance with the venires. It is this part of the work, from putting the names on the list, and from that to the wheel, and out of it, to their return and delivery by the sheriff to the Court for impaneling at the trial, about which the average practitioner cares little, and generally knows as little. And yet, by whom should the whole system, from the name on the list to the name on the panel, be more carefully searched into, understood or valued, than by the Bar.

THE JUROR IN COURT

The important and careful service of the sheriff in summoning and making proper return of the names to Court having been attended to, he has now produced to you, the twelve *sober, healthy and discreet citizens*, and as there is no challenge, let the jury be sworn:

"You, and each of you, do (swear and affirm) that you will well and truly try the issue joined between C. D., plaintiff, and E. F., defendant, and a true verdict give, according to the evidence, unless dismissed by the Court or the cause be withdrawn by the parties."

1 *P. & L. Dig.*, p. 2514, Sec. 68 (1st ed.).

After the oath has been administered and they have taken their seats, there is an evident sense of satisfaction with all of them that they have been accepted, and have

passed the ordeal of challenge. "That sacred right," as Black, C. J., termed it in *McFadden vs. Commonwealth*, 23 Pa. 12-17 (1853), "that cannot be exercised after the juror has lifted up his right hand or taken the Book in obedience to the direction of the officer, or after the formula of the affirmation has been commenced" (in Pennsylvania) * * * "But in its exercise there are no reasons for tenderness," he adds, "in the case of a juror, where the worst consequence that results from his rejection is that his place will be filled by a better man."

THE DIGNITY AND RESPONSIBILITY OF JURY SERVICE

It was not beneath the dignity of an ex-president of the United States, on the 4th of March, 1912, to be sworn as a juror in Nassau County, New York. Neither did that first jury of women in a Kansas court that assembled November 29, 1912, lower their own dignity, nor that of the jury, when entering the jury room to deliberate on the first case submitted to them, and being uncertain as to their first move, were led by one of their number in audible supplication for Divine guidance. Judge Aikman, in taking the verdict rendered by them, said: "No jury ever showed a truer appreciation of its responsibilities." The same appreciation of their responsibilities was manifested by the Virginia jury, in the Beatty murder trial, of which we were told that they joined daily in audible prayer for Divine guidance in their solemn and trying duty.

UNJUST, UNFAIR AND DANGEROUS CRITICISM OF THE JURY

The juror comes up to his work not unlike the raw recruit in military service—he is out of his accustomed environment, but a few days of setting-up exercises makes a change in the citizen soldier, and so with the juror, a few days experience in the courtroom makes a marked differ-

ence in the general demeanor and appearance of the average juror. A little more care in their personal attire and with a growing consciousness of the importance of their duties, they soon learn, in the language of the late Judge Finletter, of Philadelphia, that it is no part of their duty "to put their hands into other persons' pockets to compensate in sympathy where there was no liability."

From the point of view of the successful or unsuccessful litigant, he may be stupid or stubborn, but the average American juror tries to be fair. The testimony of an unwilling juror, who had to sacrifice important business duties in being retained on the jury, bore out that fact as he told the writer of his experience and expressed his agreeable surprise at the elimination of all shades of religious, political or local differences in the one object to render substantial justice. Conservative commendation then of the jury comes in far better grace from the public, and the Bar in particular, than flippant or severe and unfair criticism. Criticise until you eliminate the jury, and specialize until your judiciary becomes a bureau of technical experts, and the people will be still further removed from the administration of justice, with the Bar following them into their silent, sullen and dangerous retreat.

When Guizot wrote his "History of the English Revolution" he was impressed with the fact of their existing institutions, but he seemed to overlook the racial vigor of those who had sustained them, especially after the times of Henry the Eighth (VIII) and Mary and Elizabeth, during which period he wrote that "juries had shown themselves complacent, servile even, but still the institution existed, and that institutions tending to liberty were not half so much wanting as the power and will to make use of them."

With us in the United States there is a special and most imperative reason for our upholding and dignifying

the jury. We are having an annual influx of peoples from other countries where little is known of civil liberty, and very little even of political liberty. These peoples must be assimilated and made part of us and our standard of citizenship, or we will become part of them. As they become eligible for jury duty they find themselves becoming part of the administrative system of law among us. In this we should encourage and instruct, and not criticise or decry against them as undesirable. They learn, not only that our courts are open to every man, but that they and their neighbors are called upon from time to time to pass upon questions affecting the life, liberty and property of their fellows. They find that they are as much a part in the preservation of the rights of the citizen in the time of peace as part of the military system in protecting the country in time of war. They are receiving advanced training in the higher school of constitutional self-government, which our jury system affords them.

THE PRESENT STANDING AND WORKING OF THE JURY SYSTEM IN THE UNITED STATES

It is not necessary to go into an extended comment upon the present condition of the public mind on this question. We frequently hear criticisms of the jury system, as we do of every department of government, and of all who have to do with the enforcement of law against the wrongdoer, be he great or small. But as lawyers, and as thoughtful citizens, so far as our own Commonwealth is concerned, and generally throughout the country, we can reasonably assert that the verdicts rendered by juries in the important public trials within the past few years have met, and justly too, with the approval of the public. And this fact itself should be a source of satisfaction to those in all walks of life in our community, especially in the fair and indiscriminate composition of the juries selected. As an illustration

take the beef packers' case in Chicago and note the names and occupations of the jury that rendered a verdict of *not guilty* in that case.

The foreman, Edward J. Ryon, carpenter; Asa Bannister, H. L. Bucklin, Adam Clow, three farmers; Burton H. Meyers, liveryman; C. H. Nare, drug salesman; Howard O. Bates, tailor; Jacob Gleim, baker; J. H. Edwards, telephone inspector; William J. Thomas, grocer's clerk; J. E. Harvey, grocer; Thomas A. Scott, millwright.

In commenting upon the outcome of that trial a leading evening paper in Philadelphia, the "Bulletin," said: "Had the twelve men returned a verdict of guilty against the ten representatives of the beef trust their finding would have been hailed with loud acclaim as a triumph of justice. There was no reason why the same mede of praise should not be awarded them for the verdict of acquittal. The jury was representative, made up of wage-earners, farmers and men of lesser business interests."

Not excepting local trials throughout the State, nor those of a conspicuously public importance within the past few years, what better illustration of the vigor of the jury system in Pennsylvania than that afforded by the labor riot cases of less than twenty years ago. In those cases the juries were made up in part by laboring men in sympathy, in some respects, with the accused, yet rendering verdicts of conviction where seventy men were found guilty in the mining regions of this Commonwealth. Our own State, however, is not alone in its respect for the preservation and use of this time-honored institution handed down to us from our English-speaking ancestors.

The Haymarket and beef packers' cases of Chicago stand well for Illinois. California, in her San Francisco trials; New York City in her Schmidt case and her twice-tried Becker case. But over and above all in the past few years the Allen outlaw trials in the rural district of Vir-

ginia showed as high an order of patriotism and the exercise of as fearless and as stern a sense of duty, and as deserving of a place in history as that of the trial of the Bishops in 1688, so far as the jurors were concerned. For if one of their jurors, Michael Arnold, the brewer for the palace, was heard to say: "Whatever I do I am sure to be half ruined, if I say 'not guilty' I shall brew no more for the king, if I say 'guilty' I shall brew no more for anybody else," in a far sterner sense might the threats from the mountain districts of Virginia intimidate the twelve marked men who stood for the vindication of law and the honor of their State. Let the names of those jurors be written high in the history of Virginia.

CONSTITUTIONAL PROVISIONS, STATE AND FEDERAL

In Pennsylvania, trial by jury shall be as heretofore and the right thereof remain inviolate.

Constitution of 1873-4, Art. I, Sec. 6.

Section 10 of the same instrument, containing the words "unless by judgment of his peers, or the law of the land" are the same as used in Section 9 of Article IX of the Constitution of 1790, which bore the following interpretation by the report of the judges as given in Robert's Digest, page 8: "The framers of the Constitution of Pennsylvania doubtless had in view chapter 29 of Magna Charta when they provided that right and justice should be administered, without sale, denial or delay. And that no one should be deprived of his life, liberty or property unless by the judgment of his peers (evidently intending the trial by jury) or the law of the land."

We here find ourselves back to 1215 at Runnymede with King John and the barons.

Under our Federal Constitution, excepting impeachment, the *trial of all crimes shall be by jury*.

Section 2, Art. III, U. S. Const.

In all criminal prosecutions the accused shall enjoy the right to a speedy public *trial by an impartial jury*.

* * *

Article VI, U. S. Const.

Referring to Article 6, Mr. Justice Davis said: "It guarantees the right of trial by jury in such manner and with such regulations, that with upright judges, impartial juries, and an able Bar, the innocent will be saved and the guilty punished."

Ex Parte Milligan, 71 U. S. 2-142 (1866):

And in the same case he paid the following high tribute to the framers of the Constitution in making this provision, where he says: "The illustrious men who framed that instrument were guarding the foundations of civil liberty against the abuse of unlimited power; they were full of wisdom and the lessons of history informed them that a trial by an established court, assisted by an *impartial jury*, was the only sure way of protecting the citizen against oppression and wrong."

No less vigorous was Mr. Justice Harlan in his dissenting opinion in *Dorr vs. United States*, 195 U. S. 138-158 (1903), where the right of trial by jury was not granted to a Filipino, he said: "As a Filipino, committing the crime of murder in the Philippine Islands may be hung by the sovereign authority of the United States, and the Philippine Islands are under the civil and not military government, the suggestion that he may not of right appeal for his protection to the jury provisions of the Constitution, which constitutes the only source of the power that

the government may exercise at any time or at any place, is utterly revolting to my mind, and can never receive my sanction. The Constitution, without excepting from its provisions any persons over whom the United States may exercise jurisdiction, declares expressly that "*the trial of all crimes,*" except in cases of impeachment, "*shall be by jury.*"

When on December 12, 1912, thirty-eight (38) of the forty (40) dynamiters were convicted by a United States jury in Indiana, the seven (7) farmers, two (2) retired farmers, one (1) county bank president, one (1) grocer and one (1) retired grain dealer, all from rural districts, rendered a verdict, that the entire country accepted as just, as well in the interest of honest labor as in vindication of the supremacy of law.

On May 11, 1914, in another labor trouble case, Mr. Justice Holmes, in *Gompers vs. United States*, U. S. Supreme Court Advance Reports No. 14, pp. 693-695, in delivering the opinion of the Court, reversing the judgment on writ of *certiorari*, and preserving to the citizen, be he employee or employer, the right of trial by jury, over the insidious encroachment of refined novel innovations used the following language: "It is urged in the first place that contempts cannot be crimes, because, although punishable by imprisonment, and therefore, if crimes, infamous, they are not within the protection of the Constitution and the amendments giving a right to trial by jury, etc., to persons charged with such crimes. But the provisions of the Constitution are not mathematical formulas having their essence in their form; they are organic, living, institutions transplanted from English soil. The significance is vital, not formal; it is to be gathered not simply by taking the words and a dictionary, but by considering their origin and the line of their growth."

Forsyth, in his "*Trial by Jury*," at page 328, says: "The effective working of a system like the jury depends in a special manner upon circumstances which cannot be made the subject of legislation. It takes its coloring and complexion, and, indeed, all its vitality, from the intellectual and moral character of the people, in whose hands it is placed as a plastic instrument for good or evil."

CONCLUSION

In view of all that has been said, whether of the selection and drawing, impaneling and serving, or of the system as an institution specially adapted to our American system of government, again using the words of Blackstone, we may close by saying: "*The more it is searched into and understood the more it is sure to be valued.*"

TABLE No. I

SELECTION AND DRAWING OF JURORS IN PENNSYLVANIA
IN 1912

<i>Names of Counties and Date of Organization</i>	<i>Number of Jurors</i>	<i>Selected by</i>	<i>Drawn by</i>	
Adams	1800	350	J. & C.	S. & C.
Allegheny	1788	5000	C. & S.	S. & C.
Armstrong	1800	708	J. & C.	S. & C.
Beaver	1800	750	J. & C.	S. & C.
Bedford	1771	600	J. & C.	S. & C.
Berks	1752	1300	J. & C.	S. & C.
Blair	1846	1400	C.	C.
Bradford	1810	600	J. & C.	S. & C.
Bucks	1682	600	J. & C.	S. & C.
Butler	1800	700	J. & C.	C.
Cambria	1804	850	J. & C.	S. & C.
Cameron	1860	250	C.	C.
Carbon	1843	600	C.	S. & C.
Centre	1800	700	J. & C.	S. & C.
Chester	1682	1200	J. & C.	S. & C.
Clarion	1839	450	C.	C.
Clearfield	1804	850	C.	S. & C.
Clinton	1839	800	C. & S.	S. & C.
Columbia	1813	550	J. & C.	S. & C.
Crawford	1800	600	J. & C.	S. & C.
Cumberland	1750	500	J. & C.	S. & C.
Dauphin	1785	900	J. & C.	S. & Clerk of C.
Delaware	1789	2200	J. & C.	S. & C.
Elk	1843	400	C.	S. & C.
Erie	1800	800	J. & C.	S. & C.
Fayette	1783	1600	J. & C.	S. & C.
Forest	1848	400	C.	S. & C.
Franklin	1784	600	J. & C.	J. & C.
Fulton	1850	212	S. & C.	S. & C.
Greene	1796	700	J. & C.	S. & C.
Huntingdon	1787	650	C.	S. & C.
Indiana	1803	700	J. & C.	S. & C.
Jefferson	1804	600	J. & C.	S. & C.
Juniata	1831	290	J. & C.	S. & C.

<i>Names of Counties and Date of Organization</i>	<i>Number of Jurors</i>	<i>Selected by</i>	<i>Drawn by</i>
Lackawanna	1878 1500	J. & C.	S. & C.
Lancaster	1729 1100	J. & C.	J. & C.
Lawrence	1849 900	J. & C.	S. & C.
Lebanon	1813 650	J. & C.	S. & C.
Lehigh	1812 1000	C.	C.
Luzerne	1786 2500	J. & C.	S. & C.
Lycoming	1795 650	J. & C.	S. & C.
McKean	1804 900	J. & C.	S. & C.
Mercer	1800 900	J. & C.	S. & C.
Mifflin	1789 400	C.	S. & C.
Munroe	1836 300	C.	C.
Montgomery	1784 1100	J. & C.	S. & C.
Montour	1850 350	J. & C.	S. & C.
Northampton	1752 1000	C.	S. & C.
Northumberland	1772 700	C.	S. & Com. Clerk.
Perry	1820 320	J. & C.	J. & C.
Philadelphia	1682 12000	J. & S.	J. & S.
Pike	1814 300	J. & C.	S. & C.
Potter	1804 400	C.	C.
Schuylkill	1811 2400	J. & C.	S. & C.
Snyder	1855 300	C.	S. & C.
Somerset	1795 750	J. & C.	S. & Prothy.
Sullivan	1847 400	C.	S. & C.
Susquehanna	1810 550	J. & C.	S. & C.
Tioga	1804 500	J. & C.	S. & C.
Union	1813 400	C.	S. & C.
Venango	1800 548	J. & C.	S. & C.
Warren	1800 700	Com.	S. & C.
Washington	1781 1057	J. & C.	S. & C.
Wayne	1798 500	J. & C.	S. & C.
Westmoreland	1773 1800	Com.	S. & C.
Wyoming	1842 300	S. & C.	S. & C.
York	1749 800	J. & C.	S. & C.

 67,385

Abbreviation:—J—Judge, C—Commissioner, S—Sheriff.

Seventeen Counties under 500.

Thirty-four Counties 500 and over to 1000.

Fourteen Counties 1000 to 5000.

Two Counties 5000 and over.

TABLE No. 2

TABLE OF STATUTES

(Taken from Stewart's Purdon, 13th Edition)

RELATING TO THE JURY

- I. Of the Jury Commissioners.
 - Act of April 10, 1867, P. L. 62.
 - Act of April 11, 1903, P. L. 166.
- II. Of the Selection of Jurors.
 - Act of April 14, 1834, P. L. 356.
 - Act of April 6, 1869, P. L. 16.
 - Act of February 18, 1871, P. L. 87.
 - Act of March 18, 1874, P. L. 46.
- III. Of Writs of Venire in the Civil Courts.
 - Act of April 14, 1834, P. L. 358.
 - Act of April 18, 1876, P. L. 29.
- IV. Of Writs of Venire in the Criminal Courts.
 - Act of April 14, 1834, P. L. 360.
- V. Of the Execution of Writs of Venire.
 - Act of April 14, 1834, P. L. 362.
- VI. Of the Summoning and Attendance of Jurors.
 - Act of April 14, 1834, P. L. 364.
- VII. Of the Impaneling of Juries.
 - Act of April 14, 1834, P. L. 366.
 - Act of June 23, 1885, P. L. 138.
- VIII. Of Challenges.
 - Act of March 29, 1860, P. L. 344.
 - Act of April 16, 1840, P. L. 411.
 - Act of June 5, 1883, P. L. 79.
- IX. Of Special Juries.
 - Act of April 14, 1834, P. L. 368.
- X. Of Viewers.
 - Act of April 14, 1834, P. L. 363.
- XI. General Provisions.
 - Act of April 14, 1834, P. L. 369.
- XII. Special Provisions Relating to Philadelphia.
 - Act of March 31, 1843, P. L. 123.
 - Act of February 8, 1848, P. L. 25.
 - Act of April 13, 1859, P. L. 595.
 - Act of April 20, 1858, P. L. 354.
 - Act of April 8, 1862, P. L. 320.
 - Act of March 13, 1867, P. L. 421.
 - Act of March 31, 1870, P. L. 732.

ENACTMENTS SINCE 1903

Act of March 21, 1905—Authorizing the Judges of the Courts of Common Pleas, Oyer and Terminer, and Quarter Sessions to determine the number of jurors to be summoned and returned to serve in such courts.

Act of June 1, 1907—To increase the pay of jurors in this Commonwealth, to two dollars and fifty-cents (\$2.50) per day.

Act of April 22, 1909—Repealing the act of April 21, 1856, relating to pay of jurors in Chester County.

Act of May 5, 1911—Making one general per diem rate of pay for jurors and witnesses in all the Counties in the State.

Act of June 1, 1911—Repealing an act relating to the pay of jurors in Berks and Lehigh Counties, and also of Montgomery and Bedford Counties pp. 550-1.

Act of June 3, 1911—Fees for summoning jurors in inquisition in cities of the first class.

Act of June 25, 1913—Allowing jury commissioners \$4 per day and mileage.

AUTHORITIES CITED OR CONSULTED

- Goodriche's British Eloquence, p. 656
- Campbell's Lives of the Chief Justices of England, Vol. 3, p. 446
- Arnold's Lectures on Modern History, p. 349
- Blackstone's Commentaries, Book 3, Ch. 23, p. 349
- Thayer's Law of Evidence, Part 1, p. 90
- Hale's History of the Common Law, p. 296
- Duke of York's Laws, pp. 33, 69, 464
- DeTocqueville's Democracy in America, Vol. 1, p. 311
- Studies in History and Jurisprudence, Bryce (1901), p. 327
- Lieber's Civil Liberty and Self-Government, p. 234
- Perry's Life of Lieber, pp. 2 and 11
- Chitty's English Statutes, 6th Ed. (1912), Vol. 3, p. 179
- Lord Cranworth's speech, Lieber's Civil Liberty and Self-Government, p. 236
- Chitty's English Statutes (1895), Vol. 6, p. 39
- United States Revised Statutes, Sup. Vol. 1, p. 270
- Revised Statutes of British Columbia (1897), Vol. 1, p. 1051
- Statutes of Western Australia (1833-1882), Vol. 1, p. 543
- Acts of Governor General of India, Vol. 1, chap. 10, p. 484
- Legal Hand Book of British South Africa, p. 228
- Revised Laws of Hawaii (1905)
- Illinois Revised Statutes (1912), p. 1426
- Extract from Letter of Thomas Allison, Com. of Jurors, New York City
- Pennsylvania Statutes, P. L. 1858, p. 354
- Chitty's English Statutes (1912), Vol. 2, p. 1587
- Revised Statutes of Massachusetts (1902), Vol. 2, p. 1587
- Annotated Consolidated Laws of N. Y. (1909), Vol. 3, p. 2829
- Pels' Revisal of North Carolina Statutes, Vol. 1, p. 1065
- Illinois Statutes, Annotated (1913), p. 3742
- Pennsylvania Statutes, 1858 P. L., p. 354
- Pennsylvania Statutes, 1862 P. L., p. 320
- Pennsylvania Statutes, 1867 P. L., p. 420

Pepper & Lewis Digest (1st Ed. 1896), Vol. 1, p. 2514

McFadden vs. Commonwealth, 23 Pa. 12

Guizot's English Revolution of 1640, p. 32

Constitution of Pennsylvania of 1873, Art. 1, Sec. 6

Constitution of the United States, Art. 3, Sec. 2, and Art. 6

Ex Parte Milligan, 71 U. S. 2-142 (1886)

Dorr vs. United States, 195 U. S. 138-158 (1903)

Gompers vs. United States, L. Co-op. Adv. Report No. 14,
p. 693 (1914)

Forsyth's Trial by Jury, p. 328

Blackstone's Commentaries, Book 3, Chap. 23, p. 349

LIST OF MEMBERS REGISTERING AT ERIE, 1914 BY COUNTIES

ALLEGHENY COUNTY

ALTER, GEORGE E.	Pittsburgh.
BEATTY, SUZANNE S.	"
BLAKELEY, W. A.	"
BRADSHAW, GEORGE C.	"
BROWN, THOMAS STEPHEN	"
CAMPBELL, GEORGE J.	"
CARPENTER, J. McF.	"
CHALFANT, JOHN W.	"
CHALLENGER, W. A.	"
EVANS, J. A.	"
FLOWERS, GEORGE W.	"
FRAZER, ROBERT S.	"
GILFILLAN, ALEX.	"
HOSACK, GEORGE M.	"
IMBRIE, A. M.	"
JOHNSTON, CHARLES M.	"
LEWIS, G. C.	"
MACRUM, WILLIAM	"
MCGIRR, F. C.	"
MEHARD, CHURCHILL B.	"
MILLER, D. M.	"
PORTER, W. D.	"
ROSE, DON	"
SHAFFER, JOHN D.	"
SMITH, EDWIN W.	"
SMITH, EDWIN Z.	"
SWEARINGEN, JOSEPH M.	"
THOMAS, JOHN W.	"
TRENT, EDMUND K.	"
WAY, W. A.	"
WISHART, WILLIAM W.	"

BEAVER COUNTY

DARRAGH, ROBERT W.	Beaver.
HICE, AGNEW	"
MAY, C. R.	Beaver Falls.

BEDFORD COUNTY

JORDON, JOHN H.	Bedford.
----------------------	----------

BERKS COUNTY

RICHARDS, LOUISReading.

BLAIR COUNTY

BALDRIGE, THOMAS J.Hollidaysburg.
 CRAIG, J. H.Altoona.
 GREEVY, THOMAS H.“

BRADFORD COUNTY

CLEVELAND, E. J.Canton.
 MAXWELL, WILLIAMTowanda.
 MERCUR, RODNEY A.“

BUCKS COUNTY

SHOEMAKER, HARRY J.Doylestown.

CAMBRIA COUNTY

FOSTER, GEORGE A.Johnstown.
 O'CONNOR, FRANCIS J.....“

CARBON COUNTY

BARBER, LAIRD H.Mauch Chunk.
 LOOSE, J. C.“

CLEARFIELD COUNTY

COLE, A. L.Clearfield.
 LIVERIGHT, A. M.“
 SNYDER, J. FRANKNew York City.

CLINTON COUNTY

GEARY, B. F.Lock Haven.
 McCORMICK, R. B.“
 SHAFER, W. E.Renova.

CRAWFORD COUNTY

BYLES, AXTELL J.Titusville.
 CHASE, GEORGE A.“
 HENDERSON, JOHN J.Meadville.
 KOHLER, OTTO“

CUMBERLAND COUNTY

BASEHORE, SAMUEL E.Mechanicsburg.

DAUPHIN COUNTY

DULL, CASPER	Harrisburg.
HARGEST, WILLIAM M.	"
STROH, CHARLES C.	"

ERIE COUNTY

ANDREWS, TRUMAN O.	Erie.
BAKER, C. L.	"
BLASS, C. ARTHUR	"
BLILEY, FRANK A.	"
BROOKS, JOHN B.	"
CARROLL, W. S.	"
CURTZE, H. J.	"
DUFF, H. BEDFORD	"
ECHOLS, MIRVINE	"
ENGLISH, CHARLES H.	"
FISH, HENRY E.	"
FORCE, JOSEPH M.	"
GUNNISON, FRANK	"
HIRT, WILLIAM E.	"
LAMB, T. A.	"
LAMBERTON, E. H.	"
MERTENS, CHARLES A.	"
MOORE, H. L.	"
OLDS, CLARK	"
RILLING, JOHN S.	"
ROSENZWEIG, L.	"
ROSSITER, U. P.	"
SAWDEY, D. A.	"
SHERWIN, J. M.	"
SHREVE, MILTON W.	"
SISSON, A. E.	"
SOBEL, ISADOR	"
THOMPSON, W. L. SCOTT	"
TORRY, L. E.	"
WALLING, EMORY A.	"
WHITTELSEY, E. L.	"

FAYETTE COUNTY

HAGAN, A. C.	Uniontown.
HOPWOOD, R. F.	"
REPPERT, E. H.	"
STURGIS, W. J.	"
UMBEL, R. E.	"

GREENE COUNTY

CRAGO, T. S.	Waynesburg.
KYLE, W. J.	"

HUNTINGDON COUNTY

DORRIS, JOHN D.	Huntingdon.
HENDERSON, W. M.	"

LANCASTER COUNTY

ESHLEMAN, GEORGE ROSS	Lancaster.
ESHLEMAN, H. FRANK	"
HENSEL, WILLIAM U.	"
KELLER, WILLIAM H.	"
ZIMMERMAN, S. R.	"

LAWRENCE COUNTY

MARTIN, J. NORMAN	New Castle.
-------------------------	-------------

LEHIGH COUNTY

TREXLER, FRANK M.	Allentown.
------------------------	------------

LUZERNE COUNTY

BEDFORD, GEORGE R.	Wilkes-Barre.
BEDFORD, PAUL	"
STRAUSS, S. J.	"

LYCOMING COUNTY

EDWARDS, N. M.	Williamsport.
MUNSON, C. LARUE	"

NORTHAMPTON COUNTY

FOX, EDWARD J.	Easton.
STEELE, H. J.	"
STEWART, R. C.	"
STOTZ, ROBERT A.	"

NORTHUMBERLAND COUNTY

CLEMENT, CHARLES M.	Sunbury.
RYON, WILLIAM W.	Shamokin.

PHILADELPHIA COUNTY

ABBOTT, EDWIN M.	Philadelphia.
BIDDLE, FRANCIS B.	"
CARR, GEORGE WENTWORTH	"
CARSON, HAMPTON L.	"
COLAHAN, J. B., JR.	"
DACOSTA, CHARLES F.	"
DRAKE, FREDERICK S.	"
FAUGHT, ALBERT SMITH	"
FENSTERMAKER, T. A.	"
FISHER, WILLIAM RIGHTER	"
GILKYSON, T. WALTER	"
HEPBURN, C. J.	"
MERRILL, JOHN HOUSTON	"
PAGE, HOWARD W.	"
PATTERSON, T. ELLIOTT	"
RALSTON, ROBERT	"
ROBERTS, OWEN J.	"
SHATTUCK, FRANK R.	"
SHOYER, FREDERICK J.	"
STAAKE, WILLIAM H.	"
STRONG, JOHN M.	"

SOMERSET COUNTY

KIERNAN, EDMUND E.	Somerset.
RUPPEL, WILLIAM H.	"

UNION COUNTY

LEISER, ANDREW A.	Lewisburg.
MCCLURE, HAROLD M.	"
STEININGER, CLOYD	"

VENANGO COUNTY

NESBIT, JOHN L.	Franklin.
SPEER, PETER M.	Oil City.

WARREN COUNTY

ALLEN, W. H.	Warren.
BALL, D. I.	"
BESHLIN, E. H.	"
CLARK, W. S.	"
LINDSEY, EDWARD	"
SCHOFIELD, JOSEPH A.	"

WASHINGTON COUNTY

IRWIN, ROBERT W. Washington.
LINN, ANDREW M. “

WAYNE COUNTY

SEARLE, ALONZO T. Honesdale.

YORK COUNTY

COCHRAN, RICHARD E. York.
KAIN, GEORGE HAY “
NILES, HENRY C. “
NILES, M. S. “

HONORARY MEMBERSYear of
Admission

1904	DAVIS, HENRY E., Jenefer Bldg.....	Washington, D. C.
1903	*DILL, JAMES B.....	New Jersey.
1909	*EATON, HON. AMASA M.....	Providence, R. I.
1895	FIERO, J. NEWTON, 133 N. Pearl St.	Albany, N. Y.
1898	FINDLAY, HON. JOHN V. L.....	Baltimore, Md.
1905	GARDINER, CHARLES A., 13 Park Row.....	New York, N. Y.
1907	GRAY, HON. GEORGE.....	Wilmington, Del.
1912	GUTHRIE, WILLIAM D.....	New York, N. Y.
1897	*HERBERT, HON. HILARY A.....	Alabama.
1899	HORNBLOWER, HON. WM. B., 30 Broad St.....	New York, N. Y.
1902	HOWE, HON. WILLIAM WIRT.....	New Orleans, La.
1898	*HOYT, HON. JAMES H.....	Cleveland, Ohio.
1911	MONTAGUE, HON. ANDREW J., Mutual Bldg.....	Richmond, Va.
1896	PARKER, HON. CORTLANDT.....	Newark, N. J.
1910	PENNEWILL, HON. JAMES.....	Dover, Del.
1900	*RICHARDS, HON. JOHN K.....	Ohio.
1901	*ROSE, HON. U. M.....	Little Rock, Ark.
1913	SMITH, HON. ROBERT C.	Montreal, Can.
1906	TAFT, HON. WILLIAM H., Yale University.....	New Haven, Conn.
1908	TAYLOR, HON. HANNIS, Maryland Bldg.....	Washington, D. C.
1914	WICKERSHAM, HON. GEORGE W., 40 Wall St.....	New York, N. Y.
1900	WILLIAMS, TALCOTT, 916 Pine St.....	Philadelphia.

*Deceased.

LIST OF MEMBERS BY COUNTIES**ADAMS COUNTY**

1897	McSHERRY, WM.	Gettysburg.
------	--------------------	-------------

ALLEGHENY COUNTY

1900	ACHESON, M. W., JR.....	1927 Oliver Building,	Pittsburgh
1914	ALTER, GEORGE E.....	Park Building,	"
1906	AMMON, SAMUEL A.....	Sharpsburg P. O.,	"
1900	ANGNEY, ALLAN B.....	501 Fifth avenue,	"
1902	BALPH, ROWLAND A.....	Park Building,	"
1914	BANE, JOHN C.....	1563 Frick Building Annex,	"
1897	BEAL, JAMES H.....	450 Fourth avenue,	"
1898	BEATTY, SUZANNE S.....	1104 Frick Building,	"
1905	BENNER, THOMAS M.....	Berger Building,	"
1900	BLAKELEY, W. A.....	1227 Oliver Building,	"
1911	BLAXTER, HENRY V.	5723 Darlington Road,	"
1914	BRADSHAW, GEORGE C.....	606 Berger Building,	"

Year of
Admission

ALLEGHENY COUNTY—continued

1902	BRENNEN, WILLIAM J.	Fifth and Wylie avenues,	Pittsburgh.
1895	BROWN, JOHN D.	Maeder Building,	"
1895	BROWN, MARSHALL	P. O. Box 389,	"
1895	BROWN, THOMAS S.	1101 Berger Building,	"
1895	BURGWIN, AUGUSTUS P. ...	Penna. Co.,	"
1895	BURGWIN, GEORGE C.	434 Diamond street,	"
1900	BURLEIGH, CLARENCE	St. Nicholas Building,	"
1902	CALVERT, GEORGE H.	1227 Oliver Building,	"
1909	CAMPBELL, GEORGE J.		Bellevue.
1896	CARPENTER, J. McF.	1565 Frick Building Annex,	Pittsburgh.
1896	CHALFANT, GEORGE N.	1565 Frick Building Annex,	"
1908	CHALFANT, JOHN W.	Fidelity Building,	"
1908	CHALLENGER, W. A.	708 Frick Building,	"
1896	CHANTLER, THOMAS D. ...	Park Building,	"
1911	COHEN, JOSIAH	Court House,	"
1895	CRAIG, EDWIN S.	450 Fourth avenue,	"
1902	CRAWFORD, CHARLES S.	1621 Oliver Building,	"
1909	CUNNINGHAM, JESSE E. B. .	1227 Oliver Building,	"
1900	DAHLINGER, CHARLES W. ...	518 Fourth avenue,	"
1895	DALZELL, JOHN	170 Fourth avenue,	"
1898	DALZELL, WILLIAM S.	450 Fourth avenue,	"
1900	DOUGLASS, E. P.		McKeesport.
1911	DOUGLASS, HOWARD W. ...	325 Frick Building,	Pittsburgh.
1902	DUFF, JOHN BOYD	80 St. Nicholas Building,	"
1912	EICHENAUER, J. B.	806 Berger Building,	"
1913	EVANS, HENRY O.	1440 Oliver Building,	"
1895	EVANS, JOHN A.	170 Fourth avenue,	"
1914	EVANS, JOHN D.	Berger Building,	"
1905	EVANS, WILLIAM D.	509 Times Building,	"
1904	EWING, THOMAS	Frick Building,	"
1897	FAGAN, CHARLES A.	Frick Building Annex,	"
1907	FISHER, GORDON	450 Fourth avenue,	"
1902	FLETCHER, J. GILMORE.	55 Water street,	"
1900	FLOWERS, GEORGE W.	Frick Building,	"
1907	FORD, THOMAS J.	Allegheny County Court House,	"
1895	FRAZER, ROBERT S.	1100 Shady ave., East End,	"
1902	GILFILLAN, ALEXANDER ...	602 Frick Building,	"
1898	GILLESPIE, CHARLES D. ...	501 Curry Building,	"
1895	GORDON, GEORGE B.	1559 Frick Building Annex,	"
1911	GRAY, JAMES H.	461 Frick Annex,	"
1895	GUTHRIE, GEORGE W.	434 Diamond street,	"
1898	GUTHRIE, WALTER J.	1862 Frick Building Annex,	"
1895	HALL, WILLIAM M., JR. ...	730 Oliver Building,	"
1899	HARRISON, J. HARVEY.	1006 Berger Building,	"
1906	HAWKINS, RICHARD H.	450 Fourth avenue,	"

Year of Admission	ALLEGHENY COUNTY—continued	
1897	HOSACK, GEORGE M.....	Park Building, Pittsburgh.
1914	HOUSTON, J. GARFIELD.....	1363 Frick Annex, “
1895	IMBRIE, A. M.	434 Diamond street, “
1900	JENNINGS, W. K.....	1156 Frick Building Annex, “
1914	JOHNSTON, CHARLES M.....	Oliver Building, “
1906	JONES, CHARLES WARING...	Frick Building, “
1903	KÄHLE, FREDERICK L.....	1303 Park Building, “
1895	KENNEDY, JOHN M.....	1927 Oliver Building, “
1912	KENT, EDWARD J.	Farmers' Bank Building, “
1911	KERR, ALLEN HUMPHREYS.	St. Nicholas Building, “
1900	KINNEAR, JAMES W.....	Oliver Building, “
1895	KNOX, P. C.....	1527 K street, N. W., Washington, D. C.
1914	LAUGHLIN, JOHN E.....	5868 Solway street, Pittsburgh.
1898	LAZEAR, JESSE T.....	St. Nicholas Building, “
1897	LAZEAR, THOMAS C.....	“ “ “
1906	LEWIS, GEORGE C.....	Frick Building, “
1895	LYON, WALTER	14th floor, Berger Building, “
1895	MACFARLANE, JAMES R....	434 Diamond street, “
1896	MACRUM, WILLIAM.....	413 Fourth avenue, “
1912	MARTIN, RICHARD W.	306 Frick Building, “
1895	McCLAY, SAMUEL.....	1027 Carnegie Building, “
1911	McCLOSKEY, THOMAS D....	1544 Oliver Building, “
1895	McCLUNG, S. A.....	1180 Murray Hill avenue, “
1911	McCLUNG, SAMUEL A., Jr.	1116 Park Building, “
1895	McCLUNG, WILLIAM H....	1116 Park Building, “
1895	McGIRR, FRANK C.....	919 Frick Building, “
1897	McKEE, CHARLES H.....	1015 Park Building, “
1897	McKELVY, J. E.....	450 Fourth avenue, “
1895	McKENNA, CHARLES F....	Judges' Chambers, Court House, “
1911	McKENNA, EDWARD, J....	702 Frick Building, “
1914	MEHARD, CHURCHILL B....	1214 Farmers Bank Building, “
1902	MEHARD, S. S.....	1014 Frick Building, “
1900	MILLER, D. M.....	County Court House, “
1907	MILLER, FREDERICK W....	Berger Building, Fourth avenue, “
1896	MILLER, J. J.....	St. Nicholas Building, “
1914	MILLER, THOMAS A.....	Farmers Bank Building, “
1914	MITCHELL, DAVID E.	Park Building, “
1898	MITCHELL, H. WALTON....	1015 Park Building, “
1896	NEEPER, A. M.....	1326 Oliver Building, “
1911	NEWLIN, WILLIAM E.....	McKeesport.
1910	O'BRIEN, CHARLES A.....	711 Berger Building, Pittsburgh.
1895	ORR, CHARLES P.....	Federal Building, “
1895	OSBURN, FRANK C.....	134 Fifth avenue, “
1902	PACKER, GIBSON D.....	1763 Frick Building Annex, “
1895	PATTERSON, THOMAS.....	1759 Frick Building Annex, “

Year of
Admission

ALLEGHENY COUNTY—continued

1895	PLUMER, L. M.....	170 Fourth avenue,	Pittsburgh.
1895	PORTER, WILLIAM D.....	Hotel Schenley,	"
1895	REED, JAMES H.....	Carnegie Building,	"
1912	REID, AMBROSE B.	6205 Stanton avenue,	"
1906	REINEMAN, ROBERT T.....	Frick Building,	"
1896	ROBERTS, GEORGE L.....	215 Water street.	"
1911	ROBINSON, WILLIAM M.....	1027 Carnegie Building,	"
1908	ROSE, DON.		Sewickley, Pa.
1912	ROWAND, HARRY H.	615 Park Building,	Pittsburgh.
1895	SCANDRETT, RICHARD B.	1010 Peoples Savings Bank Bldg.,	"
1895	SCHAFER, JOHN D.....	184 Fourth avenue,	"
1896	SCULL, EDWARD B.....	St. Nicholas Building,	"
1911	SCULLY, CORNELIUS D.	Farmers' Bank Building,	"
1896	SHAW, GEORGE E.....	Carnegie Building,	"
1895	SHIELDS, JAMES M.....	1167 Frick Building Annex,	"
1896	SHIRAS, W. K.....	434 Diamond street,	"
1914	SIEBENECK, H. K.....	Farmers Bank Building,	"
1912	SLACK, JOHN C.	72 Fidelity Building,	"
1895	SMITH, EDWIN W.....	Carnegie Building,	"
1895	SMITH, EDWIN Z.....	1939 Henry W. Oliver Building,	"
1895	STADTFELD, JOSEPH.....	1115 Frick Building,	"
1914	STENGEL, GEORGE H.	Commonwealth Building,	"
1895	STERRETT, JAMES R.....	1927 Oliver Building,	"
1911	STONECIPHER, FRANK W....	606 Farmers' Bank Building,	"
1908	SUTTON, ROBERT WOODS	St. Nicholas Building,	"
1896	SWEARINGEN, JOSEPH M....	Court House,	"
1914	THOMAS, JOHN W.	518 Fourth Avenue.	"
1904	THOMPSON, A. M.....	728 Frick Building,	"
1900	THOMPSON, S. HARVEY....	401 Grant street,	"
1896	THORP, CHARLES M.....	822 Frick Building,	"
1911	TINKER, H. G.....	434 Diamond street,	"
1896	TODD, HENRY C.....	Peoples Savings Bank Building,	"
1913	TRENT, EDMUND K.....	1108 Park Building,	"
1907	TRIMBLE, THOMAS P.....	3358 Perryville avenue, Allegheny City.	
1907	VAILL, EDWARD B.....	418 Berger Building,	Pittsburgh.
1905	WASSON, HENRY GRANT...	316 Frick Building,	"
1895	WATSON, D. T.....	170 Fourth avenue,	"
1900	WATTERSON, A. V. D.....	Fidelity Building,	"
1896	WAY, WILLIAM A.....	Park Building,	"
1895	WEIL, A. LEO.....	822 Frick Building,	"
1910	WELLER, JOHN S.	Park Building,	"
1914	WILKIN, A. D.....	520 Bakewell Building,	"
1905	WISHART, WILLIAM W....	608 Peoples Bank Building,	"
1914	WRIGHT, GIFFORD K.	Park Building,	"

Year of
Admission

ARMSTRONG COUNTY

1898 PAINTER, JOHN H. Kittanning.

BEAVER COUNTY

1903 DARRAGH, ROBERT W. Beaver.
 1903 HICE, AGNEW "
 1906 HOLT, RICHARD S. "
 1895 LAIRD, FRANK H. "
 1914 MAY, CHARLES, R. Beaver Falls.
 1903 McCONNEL, WILLIAM A. Beaver.
 1895 MOORE, WINFIELD S. "
 1906 MOORHEAD, FOREST G. "

BEDFORD COUNTY

1895 JORDAN, JOHN H. Bedford.
 1901 LITTLE, ALVIN L. "
 1909 REILEY, DONALD CRESS "
 1905 REYNOLDS, JOHN M. "

BERKS COUNTY

1909	BERTOLET, WELLINGTON M...	Reading.
1910	BUSHONG, ROBERT GREY....	"
1908	DAMPMAN, JOHN B.	"
1895	DERR, CYRUS G.542 Court street,	"
1909	DEYSHER, ELWOOD H.	"
1909	DICKINSON, JOSEPH R....	"
1910	DUMN, HARRY J.....	"
1896	ENDLICH, G. A.Court House,	"
1909	FISHER, J. WILMER	"
1909	FRAME, JOHN M.	"
1909	FREED, WALTER B.	"
1909	HEINLY, HARVEY F.....300 Baer Building,	"
1895	HIESTER, ISAAC530 Washington street,	"
1898	JONES, RICHMOND L.528 Washington street,	"
1909	KANTNER, HARRY F.....	"
1906	KEISER, HENRY P.	"
1909	KEPPELMAN, JOHN ARTHUR.	"
1909	KOCH, EARLE I.	"
1896	MAUGER, DAVID F.....526 Court street,	"
1895	RICHARDS, LOUIS520 Washington street,	"
1906	ROURKE, WILLIAM J.	"
1904	RUHL, CHRISTIAN H.534 Washington street,	"
1895	SCHAEFFER, D. NICHOLAS ..526 Washington street,	"

Year of
Admission

BERKS COUNTY—continued

1909	SCHAEFFER, E. CARROLL	Reading
1909	SHOMO, WILLIAM ALFRED ..	"
1908	STAUFFER, RANDOLPH521 Court street,	"
1900	STEVENS, WILLIAM KERPER..536 Washington street,	"
1909	WAGNER, GEORGE W.....	"

BLAIR COUNTY

1897	BALDRIGE, THOMAS J.....	Hollidaysburg.
1895	CRAIG, J. H.	Altoona.
1911	GREEVY, THOMAS H.....	"
1913	HAMMOND, WILLIAM S.	"
1909	HEINSLING, H. T.....	"
1909	HENDERSON, ROBERT A.....	"
1895	MERVINE, NICHOLAS P.....	"
1914	PATTERSON, MARION D.	Hollidaysburg.
1909	SCHEELINE, ISAIAH	Altoona.
1909	SULLIVAN, J. AUSTIN.....	"

BRADFORD COUNTY

1895	CLEVELAND, EMERSON J.....	Canton.
1899	CODDING, JOHN W.	Towanda.
1907	FANNING, ADELBERT C.....	"
1895	INGHAM, JOHN C.	"
1895	MAXWELL, WILLIAM	"
1895	MERCUR, RODNEY A.....	"

BUCKS COUNTY

1914	BOND, LEWIS R.	Morrisville.
1901	EASTBURN, HUGH B.	Doylestown.
1908	HARRIS, HENRY O.....	"
1901	JAMES, HENRY A.....	"
1904	JAMES, HOWARD I.....	Bristol.
1895	KEELER, E. WESLEY	Doylestown.
1910	KELLER, HIRAM H.....	"
1908	ROSS, GEORGE	"
1902	ROSS, THOMAS	"
1903	RYAN, WILLIAM C.....	"
1908	SHOEMAKER, HARRY J.....	"
1905	SWARTLEY, JOHN C.....	"
1913	VANARTSDALEN, ISAAC J.	"
1895	YERKES, HARMAN	"

Year of
Admission

BUTLER COUNTY

1897	BOWSER, S. F.....	Butler.
1897	WILLIAMS, ANDREW G.....	"

CAMBRIA COUNTY

1913	CAMPBELL, BRUCE H.	Johnstown.
1895	ENDSLEY, HARRY S.	"
1913	FOSTER, GEORGE A.	"
1911	GREER, CHARLES C.....	"
1896	LITTLE, P. J.....	Ebensburg.
1895	MYERS, H. H.....	"
1895	O'CONNOR, FRANCIS J.....	Johnstown.
1910	WOLFE, GEORGE E.	"

CARBON COUNTY

1895	BARBER, LAIRD H.....	Mauch Chunk.
1895	BERTOLETTE, FREDERICK	"
1904	HEYDT, HORACE.....	"
1902	LOOSE, JACOB C.....	"
1895	MULHEARN, EDWARD M.....	"
1896	SHARKEY, FRANK P.....	"

CENTRE COUNTY

1895	BLANCHARD, JOHN.....	Bellefonte.
1914	GETTIG, SAMUEL D.	"
1895	KELLER, HARRY.....	"
1895	ORVIS, ELLIS L.....	"
1907	WALKER, W. HARRISON.....	"

CHESTER COUNTY

1896	BUTLER, WILLIAM, JR.....	West Chester.
1895	CORNWELL, ROBERT T.....	"
1912	DARLINGTON, ISABEL	"
1910	GAWTHROP, ROBERT S.	"
1895	GHEEN, JOHN J.....	"
1895	GILKYSON, H. H.....	Phoenixville.
1911	GREENWOOD, WALTER E.....	Coatesville.
1895	HAUSE, J. FRANK E.....	West Chester.
1909	HAVILAND, JOHN, JR.....	Phoenixville.
1913	HAYES, J. CARROLL	West Chester
1895	HAYES, WILLIAM M.	"

Year of
Admission

CHESTER COUNTY—continued

1896	HEMPHILL, JOSEPH	West Chester.
1895	HOLDING, ARCHIE McC.....	"
1895	RAMSEY, SAMUEL D.....	"
1910	TALBOT, WALTER S.	"

CLEARFIELD COUNTY

1914	BELL, SINGLETON	Clearfield.
1913	BOULTON, HARRY	"
1913	COLE, A. L.	"
1912	LIVERIGHT, A. M.....	"
1913	O'LAUGHLIN, JAMES P.	"
1895	SMITH, ALLISON O.....	"
1897	SNYDER, J. FRANK.....	25 Broad street, New York, N. Y.
1903	SWOOPPE, ROLAND D.....	Curwensville.
1914	WELCH, WALTER	Clearfield.

CLINTON COUNTY

1913	FURST, SIDNEY D.	Lock Haven.
1913	GEARY, B. F.	" "
1913	HIPPLE, HENRY	" "
1895	KRESS, WILSON C.	" "
1913	MCCORMICK, ROBERT B.	" "
1914	SHAFFER, W. E.	Renova.

COLUMBIA COUNTY

1912	DUY, A. W.....	Bloomsburg.
1895	McKILLIP, H. A.....	"
1895	SMALL, CHRISTIAN A.....	"

CRAWFORD COUNTY

1914	BYLES, AXTELL J.	Titusville.
1914	CHASE, GEORGE A.	"
1905	FLOOD, NED ARDEN.....	Meadville.
1907	HENDERSON, JOHN J.....	"
1895	KOHLER, OTTO.....	"

Year of
Admission

CUMBERLAND COUNTY

1895	ADDAMS, CHARLES P.	Carlisle.
1902	BASEHORE, SAMUEL E.	Mechanicsburg.
1895	BIDDLE, EDWARD W.	Carlisle.
1910	IRVING, ROBERT W.	"
1899	KAST, IDA G.	Mechanicsburg.
1911	LLOYD, GEORGE E.	"
1906	McKEEHAN, JOSEPH P.	Carlisle.
1907	OMWAKE, J. S.	Shippensburg.
1910	RHEY, JOHN M.	Carlisle.
1897	RUPLEY, ARTHUR R.	"
1895	SMEAD, A. D. BACHE.	"
1895	TRICKETT, WILLIAM	"
1895	WETZEL, JOHN W.	"
1912	WILLIS, PAUL	"

DAUPHIN COUNTY

1895	BACKENSTOE, CLAYTON H.	14 N. Third street,	Harrisburg.
1895	BAILEY, CHARLES L., JR.	16 N. Second street,	"
1907	BARNETT, GEORGE R.		"
1900	BRADY, JOHN T.	18 N. Third street,	"
1895	CARE, R. SHERMAN.	409 Market street,	"
1895	DULL, CASPER	26 N. Third street,	"
1906	EASTMAN, FRANK M.	211 Locust street,	"
1895	FOX, JOHN E.		"
1904	HAIN, WILLIAM M.	2 S. Second street,	"
1895	HARGEST, THOMAS S.	222 Market street,	"
1895	HARGEST, WILLIAM M.	"	"
1895	JACOBS, MICHAEL WM.	"	"
1903	KUNKEL, PAUL A.		"
1895	LAMBERTON, JAMES M.	216 Market street,	"
1895	McCARRELL, SAMUEL J. M.	16 N. Market square,	"
1895	McCORMICK, HENRY B.	223 Market street,	"
1914	McKIRDY, JAMES.		"
1895	MEYERS, WILLIAM K.	16 N. Second street,	"
1895	NISSLEY, JOHN C.	31 N. Second street,	"
1895	OTT, FREDERICK M.	222 Market street,	"
1895	PATTERSON, JOHN E.	"	"
1900	SEITZ, DANIEL S.	"	"
1895	SHOEMAKER, HOMER.	9 N. Third street,	"
1895	SHOPP, JOHN H.	4 N. Third street,	"
1895	SNYDER, EUGENE.	10 N. Third street,	"
1895	STAMM, A. CARSON.	5 N. Third street,	"
1904	STROH, CHARLES C.	222 Market street,	"

Year of
Admission

DAUPHIN COUNTY—continued

1900	WEISS, JOHN FOX.....	216 Market street,	Harrisburg.
1895	WICKERSHAM, FRANK B....	6½ N. Second street,	"
1908	ZIEGLER, FRANK E.....	18 N. Third street,	"

DELAWARE COUNTY

1904	BROOMALL, JOHN M.....	Media.
1908	BUTLER, GEORGE T.....	"
1902	COCHRAN, A. A.....	Chester.
1895	DARLINGTON, GEORGE E.....	Media.
1902	DICKINSON, O. B.....	Chester.
1914	DUTTON, HARWELL B.....	"
1902	FRONEFIELD, W. ROGER.....	Media.
1904	GEARY, A. B.....	Chester.
1911	GREEN, ERNEST LE ROY....	Media.
1908	HINKSON, JOSEPH H.....	Chester.
1914	HOWELL, E. A.....	"
1914	LEDWARD, J. DE HAVEN.....	"
1902	MACDADE, A. D.....	"
1914	MCCLENACHAN, W. B. JR.....	"
1898	SCHAFER, WILLIAM I.....	"

ERIE COUNTY

1914	ANDREWS, TRUMAN O.....	Erie.
1900	BAKER, C. L.....	"
1914	BAYLE, SAMUEL B.....	"
1914	BLOSS, C. ARTHUR.....	"
1914	BLILEY, FRANK A.....	"
1903	BROOKS, JOHN B.....	"
1914	CARROLL, W. S.....	"
1900	CURTZE, HERMANN J.....	"
1914	DUFF, H. BEDFORD.....	"
1914	ECHOLS, MIRVINE.....	"
1914	ENGLISH, CHARLES H.....	"
1902	FISH, HENRY E.....	"
1914	FORCE, JOSEPH M.....	"
1900	GUNNISON, FRANK.....	"
1914	HIRT, WILLIAM E.....	"
1895	LAMB, THEODORE A.....	"
1914	LAMBERTON, EDWIN H.....	"
1914	MERTENS, CHARLES A.....	"
1914	MOORE, HARRY L.....	"
1914	OLDS, CLARK.....	"
1902	RILLING, JOHN S.....	"
1895	ROSENZWEIG, LOUIS.....	"

Year of
Admission

ERIE COUNTY—continued

1914	ROSSITER, U. P.....	Erie.
1914	SAWDEY, DAVID A.....	"
1914	SHERWIN, J. M.....	"
1907	SHREVE, MILTON W.....	"
1902	SISSON, A. E.....	"
1914	SOBEL, ISADOR.....	"
1914	THOMPSON, W. L. SCOTT.....	"
1914	TORRY, L. E.....	"
1900	WALLING, EMORY A.....	"
1895	WHITTELSEY, E. L.....	"

FAYETTE COUNTY

1907	ADAMS, JACOB B.....	Uniontown.
1903	BOYLE, JOHN.....	"
1905	CORE, JOHN McMULLAN.....	"
1901	HAGAN, A. C.....	"
1895	HERTZOG, D. M.....	"
1895	HOPWOOD, R. F.....	"
1895	KEFOVER, CHARLES F.....	"
1896	MESTREZAT, S. LESLIE.....	"
1903	PLAYFORD, ROBERT W.....	"
1895	REPPERT, EDMUND H.....	"
1907	STURGEON, DANIEL.....	"
1911	STURGIS, WILLIAM J.....	"
1895	UMBEL, ROBERT E.....	"

FRANKLIN COUNTY

1895	ALEXANDER, WILLIAM.....	Chambersburg.
1895	BOWERS, O. C.....	"
1906	DAVISON, WATSON R.....	Waynesboro.
1902	ELDER, IRVIN CAMERON.....	Chambersburg.
1902	GILLAN, ARTHUR W.....	"
1895	GILLAN, W. RUSH.....	"
1909	HUTTON, A. J. WHITE.....	"
1913	LONG, D. EDWARD.....	Fayetteville.
1895	OMWAKE, W. T.....	Waynesboro.
1895	SHARPE, WALTER K.....	Chambersburg.
1896	STEWART, JOHN.....	"
1901	STRITE, J. A.....	"
1895	WALTER, CHARLES.....	"

Year of
Admission

GREENE COUNTY

1914	CAGO, THOMAS S.	Waynesburg.
1911	KYLE, WILLIAM J.	"
1911	SAYERS, ALBERT H.	"
1895	WALTON, DANIEL S.	"

HUNTINGDON COUNTY

1905	BAILEY, THOMAS F.	Huntingdon.
1905	DORRIS, JOHN D.	"
1914	HENDERSON, W. M.	"
1913	ORLADY, FRED L.	"
1895	ORLADY, GEORGE B.	"

INDIANA COUNTY

1897	BANKS, J. N.	Indiana.
1902	CUNNINGHAM, SAMUEL.	"
1895	ELKIN, JOHN P.	"
1906	FISHER, JOHN S.	"
1906	JACK, SUMMERS M.	"
1906	LANGHAM, J. N.	"

JEFFERSON COUNTY

1914	ADAMS, W. B.	Punxsutawney.
1895	CLARK, B. M.	"
1902	CONRAD, W. N.	Brookville.
1895	CORBET, CHARLES	"
1906	MCDONALD, GEORGE M.	Reynoldsville.
1903	MURRAY, JAMES V.	Brookville.
1896	REED, JOHN W.	"
1897	WILSON, HENRY I.	Big Run.

JUNIATA COUNTY

1905	MCMEEN, ROBERT.	Mifflintown.
1906	NEELY, J. HOWARD.	"
1895	PENNELL, F. M. M.	"

LACKAWANNA COUNTY

1896	ARCHBALD, R. W.	Scranton.
1895	BURR, JAMES E.	"
1898	DIMMICK, J. BENJAMIN.	"
1896	EDWARDS, H. M.	"
1912	FITZGERALD, WILLIAM J.	"

Year of
Admission

LACKAWANNA COUNTY—continued

1899	FLEITZ, FREDERIC W.....	Scranton.
1898	HARRIS, JOHN M.....	"
1914	HARRIS, REESE H.....	"
1914	HILL, WALTER L.....	"
1896	KNAPP, HENRY A.....	"
1895	PATTERSON, ROSWELL H.....	"
1895	PRICE, SAMUEL B.....	"
1914	RYMER, RALPH W.....	"
1903	SANDO, M. F.....	"
1902	SINN, JOSEPH A.....	1539 Monroe avenue,
1896	TORREY, JAMES H.....	"
1895	WARREN, EVERETT.....	"
1895	WATRES, LOUIS ARTHUR.....	"
1895	WELLES, CHARLES H.....	"
1895	WILCOX, WILLIAM A.....	"

LANCASTER COUNTY

1907	APPEL, JOHN W.....	Lancaster.
1903	APPEL, WILLIAM N.....	"
1904	ATLEE, BENJ. C.....	"
1911	BAKER, CHARLES G.....	"
1907	BERNTHEIZEL, CLEON N.....	Columbia.
1895	BROWN, J. HAY.....	Lancaster.
1908	COYLE, JOHN A.....	"
1898	EABY, C. REESE.....	"
1895	ESHLEMAN, G. ROSS.....	"
1906	ESHLEMAN, H. FRANK.....	"
1904	HAGER, CHARLES F.....	"
1907	HARNISH, MARTIN M.....	"
1900	HASSLER, A. B.....	"
1895	HENSEL, WILLIAM U.....	"
1901	KELLER, WILLIAM H.....	"
1911	KREADY, B. FRANK.....	"
1895	LANDIS, CHARLES I.....	"
1902	NAUMAN, JOHN A.....	"
1909	NORTH, HUGH M.....	"
1901	SMITH, EUGENE G.....	"
1903	SNYDER, JOHN E.....	Hershey, Pa.
1911	ZIMMERMAN, S. R.....	Lancaster.

LAWRENCE COUNTY

1897	AIKEN, ROBERT K.....	New Castle.
1901	DANA, RICHARD FALLS.....	"
1900	DANA, SAMUEL W.....	"

Year of
Admission

LAWRENCE COUNTY—continued

1901	FALLS, WALLACE H.....	New Castle.
1895	MARTIN, J. NORMAN.....	"
1897	WALLACE, WILLIAM D.....	"
1895	WINTERNITZ, B. A.....	"

LEBANON COUNTY

1914	BICKEL, H. RANK.....	Lebanon.
1910	HENRY, CHARLES V.....	"
1907	LIGHT, WARREN G.....	"
1911	MEYER, SAMUEL T.....	"
1895	SHIRK, HOWARD C.....	"
1895	WEIDMAN, GRANT.....	"

LEHIGH COUNTY

1910	AUBREY, GEORGE W.....	Allentown.
1912	BUTZ, REUBEN J.....	"
1895	DESHLER, JAMES B.....	"
1907	HOTTENSTEIN, MARCUS S.....	Dept. of Justice, Washington, D. C.
1899	JACOBS, FRANK.....	Allentown.
1914	SCHAADT, JAMES L.....	"
1908	STUART, ROBERT L.....	"
1899	TREXLER, FRANK M.....	"

LUZERNE COUNTY

1899	ANDERSON, J. N.....	Pittston.
1899	ATHERTON, THOMAS H.....	Wilkes Barre.
1895	BEDFORD, GEORGE R.....	"
1912	BEDFORD, PAUL.....	"
1912	BIGELOW, JOHN H.....	"
1912	CAMPBELL, ANTHONY C.....	"
1898	DARLING, THOMAS.....	"
1912	FARNHAM, ALEXANDER.....	"
1895	GARMAN, JOHN M.....	Nanticoke.
1898	HAND, ISAAC P.....	Wilkes Barre.
1899	JENKINS, JOHN E.....	"
1912	JONES, BENJAMIN R.....	"
1912	JONES, EVAN C.....	"
1895	KULP, GEORGE B.....	"
1895	LENAHAN, JOHN T.....	"
1896	MCCINTOCK, ANDREW H.....	"
1912	MCGUIGAN, FRANK A.....	"
1912	PRICE, WILLIAM C.....	"
1896	RICE, CHARLES E.....	"

Year of
Admission

LUZERNE COUNTY—continued

1899	STRAUSS, S. J.....	Wilkes Barre.
1912	TREMBATH, WILLIAM J.....	"
1901	WALLER, LEVI E.....	"
1899	WILLIAMS, A. L.....	"
1898	WOODWARD, J. B.....	"
1899	WRIGHT, GEORGE R.....	"

LYCOMING COUNTY

1895	AMES, HERBERT T.....	Williamsport.
1895	CANDOR, ADDISON	"
1913	COLLINS, EMERSON	"
1906	CROCKER, WILLIAM D.....	"
1914	DECKER, OLIVER J.....	"
1897	DEEMER, WILLIAM RUSSELL.....	"
1903	EDWARDS, NICHOLAS M.....	"
1895	FREDERICKS, J. T.....	"
1910	HAINES, WM. ELLIS.....	"
1895	HART, WILLIAM W.....	"
1914	KAUPP, OTTO G.....	"
1914	KRAUSE, JAMES B.....	"
1910	LARRABEE, DON M.....	"
1895	MCCORMICK, SETH T.....	"
1909	MCCORMICK, SETH T., JR.....	"
1913	MITCHELL, MAX L.....	"
1895	MUNSON, C. LA RUE.....	"
1895	READING, JOHN G.....	"
1895	SPROUT, CLARENCE E.....	"
1897	WHITEHEAD, HARVEY W.....	"

McKEAN COUNTY

1902	BOUTON, J. W.....	Smethport.
1902	GALLUP, FRED. D.....	"
1900	HUEY, ANDREW P.....	Kane.
1910	MULLIN, J. E.....	"
1900	SCHOONMAKER, FREDERIC P.....	Bradford.
1913	TAIT, EDGAR W.....	"
1902	TAIT, EDWIN E.....	"

MERCER COUNTY

1895	GORDON, QUINCY A.....	Mercer.
------	-----------------------	---------

MIFFLIN COUNTY

1903	CULBERTSON, HORACE J.....	Lewistown.
1895	WOODS, JOSEPH M.....	"

Year of
Admission

MONROE COUNTY

1898	PALMER, A. MITCHELL	Stroudsburg.
1904	SHULL, S. E.....	"
1895	STAPLES, CHARLES B.....	"

MONTGOMERY COUNTY

1901	BROWNBACK, HENRY M.....	Norristown.
1908	CHILDS, LOUIS M.....	"
1898	DANNEHOWER, WILLIAM F.....	"
1895	EVANS, MONTGOMERY.....	"
1898	FOX, GILBERT RODMAN.....	"
1904	FOX, HENRY I.....	"
1908	HALLMAN, ELWOOD L.....	"
1911	HALLMAN, THOMAS.....	Collegeville.
1908	JENKINS, J. P. HALE.....	Norristown.
1908	LARZELERE, JEREMIAH B.....	"
1898	LARZELERE, NICHOLAS H.	"
1910	McAVOY, CHARLES D.....	"
1906	MILLER, JOHN FABER.....	"
1907	PLACE, ALBERT R.....	Lansdale.
1898	SOLLY, WILLIAM F.....	Norristown.
1899	SWARTZ, AARON S.....	"

NORTHAMPTON COUNTY

1914	COFFIN, GEORGE F.....	Easton.
1914	CHIDSEY, T. McKEEN.....	"
1895	FOX, EDWARD J.....	"
1901	GOLDSMITH, AARON.....	"
1906	HOFFMAN, JOHN D.....	Bethlehem.
1910	KIRKPATRICK, WILLIAM H.	Easton.
1895	KIRKPATRICK, WILLIAM S.....	"
1898	MAXWELL, HENRY D.....	"
1897	NEVIN, D. W.....	"
1895	STEELE, H. J.....	"
1895	STEWART, RUSSELL C.....	"
1910	STOTZ, ROBERT A.....	"
1914	TAYLOR, ROBERT S.....	Bethlehem.

NORTHUMBERLAND COUNTY

1895	CLEMENT, CHARLES M.....	Sunbury.
1899	KNIGHT, HARRY S.....	"
1913	LARK, CHARLES C.	Shamokin.
1895	ORAM, W. H. M.....	"
1896	RYON, WILLIAM W.....	"

Year of
Admission

PERRY COUNTY

1895 SEIBERT, WILLIAM N.....New Bloomfield.

PHILADELPHIA COUNTY

1908 ABBOTT, EDWIN M.....700 Land Title Building.
 1910 ACKER, J. HENRY RADEY.....1100 Penn Square Building.
 1895 ADAMS, JOHN STOKES.....460-464 Bullitt Building.
 1900 ADLER, FRANCIS COPE.....106 South Fourth street.
 1899 ALCORN, JAMES.....309-11 Harrison Building.
 1902 ALEXANDER, BENJAMIN.....1326 Chestnut street.
 1914 AMBLER, HARRY S. JR.....1318 Stephen Girard Building.
 1902 AMRAM, DAVID W.....1610 Real Estate Trust Building.
 1899 ANDERSON, WILLIAM Y. C.....1420 Chestnut street.
 1902 ARNOLD, ARTHUR S.....438 Walnut street.
 1914 ARRONSON, HENRY.....1416 South Penn Square.
 1895 AUDENREID, CHARLES Y.....6331 Lancaster avenue.
 1895 BALLARD, ELLIS AMES.....1242-8 Land Title Building.
 1895 BAMBERGER, ALBERT J.....Morris Building.
 1895 BAMBERGER, LEONARD J....."
 1895 BARNES, J. HAMPTON.....1601 Morris Building.
 1897 BARRATT, NORRIS S.....Room 461 City Hall.
 1902 BARTLETT, CHARLES E.....1634 Land Title Building.
 1914 BARTLETT, G. DOUGLAS.....812 Penn Square Building.
 1908 BAUERLE, ALBERT T.....606 Commonwealth Building.
 1913 BAUERLE, HARRY T.....834 Land Title Building.
 1908 BECK, JAMES M.....52 Wall street, New York.
 1899 BEDFORD, J. CLAUDE.....914 Franklin Bank Building.
 1895 BEEBER, DIMNER.....705 Land Title Building.
 1908 BEGGS, ROBERT A., JR.....602 Bailey Building.
 1895 BEITLER, ABRAHAM M.....750 Bullitt Building.
 1905 BEITLER, HAROLD B.....309 West End Trust Building.
 1900 BELL, JOHN CROMWELL.....1331-4 Land Title Building.
 1895 BIDDLE, CHARLES.....505 Chestnut street.
 1912 BIDDLE, EDWARD M.....321 Chestnut street.
 1914 BIDDLE, FRANCIS B.....505 Chestnut street.
 1904 BIKLE, HENRY WOLF.....231 Broad Street Station.
 1902 BOCKIUS, MORRIS R.....934 Land Title Building.
 1901 BODINE, WILLIAM B., JR.....1438-48 Land Title Building.
 1907 BOHLEN, FRANCIS H.....660 Bullitt Building.
 1896 BONSALE, EDWARD H.....Land Title Building.
 1900 BORNEMAN, HENRY S.....801 Franklin Bank Building.
 1902 BOWKER, GEORGE C.....801 Girard Building.
 1895 BOWMAN, WENDELL P.....414 Franklin Bank Building.
 1904 BOYER, HERBERT M.....133 South Twelfth street.
 1914 BOYLE, ROBERT M.....Perry Building.
 1901 BRACKEN, FRANCIS B.....1129 Land Title Building.

Year of
Admission

PHILADELPHIA COUNTY—continued

1895	BREGY, LOUIS	5941 Woodbine Avenue.
1903	BREITINGER, FRED L.....	133 South Twelfth street.
1902	BREITINGER, J. LOUIS	714 Franklin Building.
1901	BRINTON, JOSEPH HILL.....	1302 Commonwealth Trust Bldg.
1902	BRINTON, SHARSWOOD	1601 Morris Building.
1902	BROOKS, EDWARD, JR.....	643 Land Title Building.
1895	BROWN, FRANCIS SHUNK	1005 Morris Building.
1895	BROWN, HENRY P.....	1535 Land Title Building.
1895	BROWN, JOHN A.	426 Library street.
1902	BROWN, REYNOLDS D.....	1404 Land Title Building.
1904	BROWN, WILLIAM ALEXANDER....	3937 Locust street.
1896	BROWN, WILLIAM FINDLAY.....	806 Pennsylvania Building.
1895	BUDD, HENRY	727 Walnut street.
1907	BUNTING, JOSEPH T.....	560 Drexel Building.
1895	BURNETT, WILLIAM H.....	400 Chestnut street.
1910	BUTLER, J. EDGAR	1524 Chestnut street.
1902	CADWALADER, JOHN, JR.	263 South Fourth street.
1896	CADWALADER, RICHARD M.....	706 Franklin Building.
1896	CAMPBELL, JAMES D.....	Wyncote, Pa.
1901	CAMPBELL, JOHN M.....	Lafayette Building.
1898	CARR, GEORGE W.....	602 Bailey Building.
1896	CARR, WILLIAM WILKINS.....	600 Girard Building.
1895	CARSON, HAMPTON L.....	1524 Chestnut street.
1914	CARSON, JOSEPH.....	2223 Locust street.
1909	CARVER, ALEXANDER HENRY....	212 Stephen Girard Building.
1897	CARVER, CHARLES.....	"
1895	CATELL, HENRY S.....	1218 Chestnut street.
1902	CHAPMAN, S. SPENCER.....	1001 Chestnut street.
1904	CLARK, FREDERIC L.....	510 Penn Square Building.
1912	CLEMENT, SAMUEL M., JR.....	5532 Wayne avenue.
1902	CODY, FRANK M.	804-6 Betz Building.
1895	COLAHAN, JOHN B., JR.....	803 Mutual Life Building.
1913	COLKET, G. HAMILTON	2010 Spruce street.
1900	CONARD, C. WILFRED.....	1118 Chestnut street.
1904	CONLEN, WILLIAM J.....	1100 Penn Square Building.
1899	COOPER, SAMUEL W.....	1200 Betz Building.
1902	COULSTON, CHARLES W.....	800-03 Betz Building.
1904	CROWLEY, JERE J.	1012 Franklin Bank Building.
1895	CUYLER, THOMAS DeWITT.....	701 Arcade Building.
1900	DA COSTA, CHARLES F.....	700 Bullitt Building.
1902	DALLETT, MORRIS ...	426 City Hall.
1902	DANIELS, BENJAMIN	502 Land Title Building.
1902	DAVIS, HOWARD A.....	City Hall.
1895	DECHERT, HENRY M.....	Commonwealth Trust Company.
1895	DECHERT, HENRY T.....	800 West End Trust Building.

Year of Admission	PHILADELPHIA COUNTY—continued
1903	DEMMING, GEORGE1112 Land Title Building.
1895	DEVELIN, JAMES AYLWARD.....400 Chestnut street.
1901	DICKEY, JOHN, JR.....804 Land Title Building.
1899	DICKSON, ARTHUR G.....750 Bullitt Building.
1895	DICKSON, SAMUEL....."
1900	DIXON, EDWIN S.....505 Chestnut street.
1901	DOUGHERTY, D. WEBSTER.....741 Land Title Building.
1902	DOWNING, CHARLES H.....1335 Arch street.
1896	DRAKE, FREDERICK S.....300-06 Penn Square Building.
1905	DROVIN, GEORGE ALBERT.....703 North American Building.
1895	DUANE, RUSSELL1617-23 Land Title Building.
1904	EDMONDS, FRANKLIN S.....614 Franklin Building.
1902	EDMUNDS, CHARLES H.....808 Crozer Building.
1902	EDMUNDS, HENRY R.....520 Walnut street.
1904	EDWARDS, GEORGE J., JR.....522 Stephen Girard Building.
1902	EGGLESTON, CHARLES F.....1005 Bailey Building.
1904	EHRlich, FRANZ, JR.....826-9 Stephen Girard Building.
1913	EICHHOLZ, ADOLPH360 Bullitt Building.
1908	ELY, FRED H.304 Franklin Bank Building.
1909	EMBERY, JOSEPH R.....1105-6 Real Estate Trust Building.
1912	EVANS, EDWARD W.1230 Arch street.
1911	EVANS, JOHN LEWIS701 Commercial Trust Building.
1895	EVANS, ROWLAND.....225 South Sixth street.
1904	FAHY, THOMAS A.....14 South Broad street.
1910	FAHY, WALTER THOMAS427 West Upsal street, Mt. Airy.
1904	FARIES, EDGAR DUDLEY.....614 Franklin Building.
1913	FARNUM, CHARLES A.920 Stephen Girard Building.
1905	FARR, CHESTER N., JR.....1018 Real Estate Trust Building.
1908	FAUGHT, ALBERT SMITH133 South Twelfth street.
1914	FELIX, HENRI230 Mint Arcade Building.
1902	FELL, DAVID N., JR.....618 North American Building.
1895	FENSTERMAKER, THOMAS A.....625 Witherspoon Building.
1897	FERGUSON, WILLIAM C.....City Hall.
1897	FISHER, WILLIAM RIGHTER.....1012 Stephen Girard Building.
1902	FLAHERTY, JAMES A.....1328 Chestnut street.
1895	FOLZ, LEON H.....909 Walnut street.
1905	FOLZ, STANLEY....."
1905	FOX, HENRY K.619 North American Building.
1895	FRIES, HENRY K.....1328 Chestnut street.
1895	FURTH, EMANUEL.....404 Bailey Building.
1901	GABLE, VIVIAN FRANK.....509 Franklin Building.
1899	GATES, THOMAS S.....517 Chestnut street.
1913	GEIGER, FREDERICK J.643 Land Title Building.
1895	GEST, JOHN M.....City Hall.
1902	GILFILLAN, JOSEPH.....512 Crozer Building.
1914	GILKYSON, T. WALTERCommonwealth Trust Building.

* Year of
Admission

PHILADELPHIA COUNTY—continued

1895	GILL, HARRY B.....	518 Real Estate Trust Building.
1905	GLASGOW, WILLIAM A., JR.....	1018 Real Estate Trust Building.
1909	GOOD, D. CLARE.....	535 Chestnut street.
1902	GOODBREAD, JOSEPH S.....	505 Chestnut street.
1900	GORDON, JAMES GAY.....	710-23 North American Building.
1895	GORMAN, WILLIAM.....	313 Stephen Girard Building.
1912	GOULD, W. H. G.....	1005 Bailey Building.
1895	GOWEN, FRANCIS I.....	229 Broad Street Station.
1900	GRAHAM, GEORGE S.....	West End Trust Building.
1902	GRAY, WILLIAM A.....	West End Trust Building.
1912	GRAYSON, THEODORE J.....	1327 Real Estate Trust Building.
1901	GREENWALD, JOSEPH L.....	404 South Forty-second street.
1902	GRIFFITH, DAVID R., JR.....	200 Penn Square Building.
1901	GRIFFITH, WARREN G.....	641 Land Title Building.
1906	GUMBES, FRANCIS M.....	812 Penn Square Building.
1902	GUMMEY, CHARLES F.....	133 South Twelfth street.
1895	HAIG, ALFRED R.....	2015 Land Title Building.
1902	HANNA, MEREDITH.....	802 Crozer Building.
1914	HARRIGAN, FRANK A.	508 Franklin Bank Building.
1901	HARRINGTON, AVERY D.....	Franklin Building.
1906	HATFIELD, HENRY R.....	723 Walnut street.
1902	HAYES, WILLIAM A.....	1014 Commonwealth Trust Bldg.
1901	HECKSCHER, STEVENS.....	1617 Land Title Building.
1913	HEILIGMAN, OTTO R.....	406 Crozer Building.
1899	HENDERSON, GEORGE.....	133 South Twelfth street.
1895	HENRY, BAYARD.....	1438 Land Title Building.
1901	HEPBURN, CHARLES J.....	803 Bailey Building.
1895	HEPBURN, W. HORACE.....	1335 Arch street.
1902	HERZBERG, MAX.....	802 Commonwealth Trust Bldg.
1904	HIBBERD, DILWORTH P.....	703 Harrison Building.
1907	HINCKLEY, JOHN C.....	Witherspoon Building.
1899	HOEFLE, HENRY A.....	1335 Arch street.
1900	HOFFMAN, EDWARD F.....	309 Pennsylvania Building.
1895	HOPKINSON, EDWARD.....	905 Walnut street.
1904	HORWITZ, GEORGE Q.....	604 West End Trust Building.
1902	HOWSON, CHARLES H.....	900 West End Trust Building.
1902	HUEY, ARTHUR B.....	602 Commonwealth Trust Bldg.
1902	HUNSICKER, CHARLES.....	309 Stephen Girard Building.
1904	HUNSICKER, J. QUINCY.....	1420 Chestnut street.
1902	HUNTER, RICHARD S.....	308 Walnut street.
1910	HUTCHINSON, ARTHUR E.....	1218 Real Estate Trust Building.
1896	JENKINS, THEODORE F.....	1100 Franklin Bank Building.
1904	JENKS, ROBERT D.....	700 West End Trust Building.
1904	JOHNSON, ARCHIBALD T.....	818 Real Estate Trust Building.
1895	JOHNSON, JOHN G.....	1335 Land Title Building.
1902	JONES, G. VON PHUL.....	Real Estate Trust Building.

Year of Admission	PHILADELPHIA COUNTY—continued
1895	JONES, JAMES COLLINS.....460 Bullitt Building.
1895	JONES, J. LEVERING.....705 Land Title Building.
1906	JOPSON, THOMAS W.....523 Chestnut street.
1895	JUNKIN, JOSEPH DEF.....1318 Real Estate Trust Building.
1899	KANE, FRANCIS FISHER.....1832 Land Title Building.
1902	KEENE, GEORGE FRED.....1012 Franklin Bank Building.
1902	KENDRICK, MURDOCH.....815 Crozer Building.
1902	KENWORTHY, JOSEPH W.....1420 Chestnut street.
1909	KING, JAMES W.....1608 Pine street.
1902	KNAUS, FREDERICK J.....803 Land Title Building.
1902	KOHN, HARRY E.1512 Chestnut street.
1914	KRAUSS, SIDNEY L.....900 Franklin Bank Building.
1904	KREWSON, GEORGE C.....709 Walnut street.
1910	LADNER, ALBERT H., JR.....702 Land Title Building.
1910	LADNER, GROVER C.....“
1910	LAMORELLE, JOSEPH F.434 City Hall.
1913	LANARD, THOMAS S.803 Bailey Building.
1895	LANDRETH, LUCIUS S.....512 Walnut street.
1903	LANK, EDGAR W.....1100 Land Title Building.
1902	LAWS, JAMES W.....918 Land Title Building.
1895	LEONARD, FREDERICK M.....119 South Fourth street.
1898	LESER, OSCAR.....Care Editorial Dept. <i>Baltimore American</i> , Baltimore, Md.
1895	LEVI, JULIUS C.....606 Chestnut street.
1902	LEVIN, J. SIEGMUND.....438 Walnut street.
1895	LEWIS, FRANCIS D.....934 Land Title Building.
1914	LEWIS, HOWARD B....711 Hale Building.
1895	LEWIS, WILLIAM DRAPERLaw Dept., University of Penna.
1902	LEX, CHARLES E.....488 Bourse Building.
1902	LINN, WILLIAM B.....518 Real Estate Trust Building.
1902	LLOYD, MALCOLM, JR.....1404 Land Title Building.
1911	LOEB, CLARENCE1206 Commonwealth Trust Bldg.
1901	LOGUE, J. WASHINGTON.....Stephen Girard Building.
1913	LONG, HOWARD M.1135 Land Title Building.
1904	LOYD, WILLIAM H.....818 Real Estate Trust Building.
1910	LUDLOW, BENJAMIN H.....1200 Betz Building.
1895	LUKENS, WILLIAM H. R.....905 Real Estate Trust Building.
1899	LYLE, FRANKLIN L.....522 Stephen Girard Building.
1902	MACCAIN, CHRISTIAN S.....834 Land Title Building.
1909	MACELDOWNNEY, W. A.....929 Chestnut street.
1904	MACFARLAND, LEO.....1515 Arch street.
1901	MACLEAN, WILLIAM, JR.....812 Penn Square Building.
1904	MANDEL, DAVID, JR.....606 Chestnut street.
1906	MARSH, JOHN CRETH.....Stephen Girard Building.
1910	MARTIN, J. FREDERICK417 Bulletin Building.

Year of
Admission

PHILADELPHIA COUNTY—continued

1895	MARTIN, J. WILLIS	658	City Hall.
1904	MASON, WILLIAM CLARK	614	Franklin Building.
1899	MAYER, CLINTON O.	201	Bailey Building.
1910	MCADAMS, FRANCIS M.	1416	South Penn Square.
1902	MCCALL, WILLIAM E., JR.	212	Stephen Girard Building.
1904	MCCARTHY, HENRY A.	321	Chestnut street.
1896	MCCOLLIN, EDWARD G.	514	Walnut street.
1895	MCCOUCH, H. GORDON	750	Bullitt Building.
1903	MCCOY, JOSEPH D.	1601	Morris Building.
1895	MCCULLEN, JOSEPH P.	1008	Land Title Building.
1902	MCENERY, M. J.	1328	Chestnut street.
1904	MCGLATHERY, THOMAS D.	819	Land Title Building.
1901	MCILHENNY, FRANCIS S.	1001	Chestnut street.
1904	MCINNES, WALTER S.	703	North American Building.
1903	MCKEEHAN, CHARLES L.		West End Trust Building.
1902	McMICHAEL, CHARLES B.	416	Harrison Building.
1908	McMULLAN, JAMES	750	Bullitt Building.
1902	McNEAL, J. H.	606	Franklin Bank Building.
1902	MEAD, GLENN C.	818	Real Estate Trust Building.
1902	MEAGHER, THOMAS J.	1432	Real Estate Trust Building.
1895	MEIGS, WILLIAM M.	460	Drexel Building.
1895	MELLORS, JOSEPH	1033	Drexel Building.
1895	MERRILL, JOHN HOUSTON	1318	Stephen Girard Building.
1902	MICHENER, E. O.	1835-42	Land Title Building.
1904	MIDDLETON, ALLEN C.	1118	Chestnut street.
1910	MILLER, ALFRED S.	1420	Chestnut street.
1895	MILLER, E. SPENCER	708	Bellevue Court Building.
1912	MILLER, J. ALBERT		Commonwealth Trust Building.
1911	MILLER, PHILIPPUS W.		Franklin Building.
1904	MIRKIL, I. HAZLETON	522	Stephen Girard Building.
1900	MITCHELL, JAMES T.	1722	Chestnut street.
1904	MITCHESON, JOSEPH MACGREGOR.	801	Franklin Bank Building.
1903	MOISE, ALBERT L.	900	Chestnut street.
1902	MONTGOMERY, WILLIAM M.	1331	Land Title Building.
1904	MONTGOMERY, W. W., JR.		West End Trust Building.
1895	MOORE, ALFRED	618	North American Building.
1913	MOORE, CHARLES A.	1327	Real Estate Trust Building.
1902	MOORE, H. W.	700	West End Trust Building.
1911	MOORE, SPRINGER H.	1230	Arch street.
1897	MORGAN, CHARLES E., JR.	934	Land Title Building.
1905	MORRIS, ROLAND S.	1617	Land Title Building.
1902	MORRIS, W. NORMAN	1100	Betz Building.
1902	MORRIS, WILLIAM S.	437	Land Title Building.
1908	MUNSON, GEORGE S.	750	Bullitt Building.
1909	MURPHY, THOS. E.	822	North American Building.

Year of
Admission

PHILADELPHIA COUNTY—continued

1896	NEILSON, WILLIAM D.....	428	Land Title Building.
1902	NEWBOURG, FREDERICK C., JR.....	1318	Real Estate Trust Building.
1895	NICHOLS, H. S. PRENTISS	231	Broad Street Station.
1899	NORRIS, G. HEIDE.....	437-41	Land Title Building.
1908	NORRIS, WILLIAM F.....		Franklin Building.
1907	ORLEMANN, HENRY P.....	407	Franklin Building.
1895	PAGE, HOWARD W.....	700	West End Trust Building.
1895	PAGE, S. DAVIS.....	700	West End Trust Building.
1910	PARKINSON, THOMAS I.....	133	South Twelfth street.
1896	PATTERSON, G. STUART.....		Broad Street Station.
1906	PATTERSON, JOHN M.....	805	Pennsylvania Building.
1895	PATTERSON, T. ELLIOTT.....		Franklin Building.
1913	PARRY, GEORGE G.....	312	Bulletin Building.
1913	PATTON, HENRY B.....	501	Franklin Building.
1896	PAUL, J. RODMAN	505	Chestnut street.
1898	PENNEWILL, WALTON.....	401	Stephen Girard Building.
1913	PENNYPACKER, ISAAC A.....	604	West End Trust Building.
1896	PENNYPACKER, SAMUEL W.....	1107	Franklin Bank Building.
1895	PENROSE, BOIES.....		Arcade Building.
1904	PEPPER, B. FRANKLIN.....	1438	Land Title Building.
1895	PEPPER, GEORGE WHARTON.....		"
1895	PHILLIPS, ALFRED I.....	705	Land Title Building.
1902	PILE, CHARLES H.....	512	Walnut street.
1898	PORTER, WILLIAM WAGENER.....	1106	Commonwealth Trust Bldg.
1895	POTTER, SHELDON.....	800	West End Trust Building.
1910	POWELL, HUMBERT B.....	1200	Betz Building.
1895	PRICHARD, FRANK P.....	1335-43	Land Title Building.
1902	PUSEY, FREDERICK T.....	803	Bailey Building.
1902	RALSTON, ROBERT.....	1326	Spruce street.
1910	RAMBO, ORMOND.....	925	Chestnut street.
1895	RAWLE, FRANCIS	1004	West End Trust Building.
1902	RAYMOND, EUGENE.....	350	Real Estate Trust Building.
1914	REARICK, BERTRAM D.....	405	Bulletin Building.
1902	REBER, J. HOWARD.....	1001	Chestnut street.
1895	REED, JOSEPH A.....	1112	Stephen Girard Building.
1902	REEVES, FREDERICK R.....	602	Betz Building.
1913	REIG, W. SCOTT.....	513	Pennsylvania Building.
1908	REILLY, PAUL		Franklin Bank Building.
1903	REMAK, GUSTAVUS, JR.....	360	Bullitt Building.
1895	REX, WALTER E.....	524	Walnut street.
1895	RHOADS, JOSEPH R.....	514	Walnut street.
1904	RIDGWAY, THOMAS	310	North American Building.
1908	ROBERTS, C. WILSON.....	701	Franklin Building.
1901	ROBERTS, OWEN J.....	609	West End Trust Building.
1902	ROBINSON, D. STUART.....	812	Franklin Bank Building.

Year of
Admission

PHILADELPHIA COUNTY—continued

1895	ROBINSON, V. GILPIN.....	1218	Stephen Girard Building
1902	RODMAN, WALTER C.....	1420	Chestnut street.
1909	ROGERS, JAMES S.....	602	Commonwealth Building.
1914	RORKE, WILLIAM F... ..	1201	Chestnut street.
1906	ROSENBERGER, EMIL.....	523	Chestnut street.
1908	ROTAN, SAMUEL P.....	666	City Hall.
1895	ROTHERMEL, P. F., JR.....		Land Title Building.
1895	RUMSEY, HORACE M.....		Stephen Girard Building.
1910	RUNK, LOUIS BARCROFT.....	1832	Land Title Building.
1902	RYAN, MICHAEL J.....	908	Girard Building.
1902	SANSON, ALBERT W.....	501	Bailey Building.
1906	SAUL, WALTER BIDDLE.....	1835	Land Title Building.
1900	SAVIDGE, FRANK R.....		Morris Building.
1895	SAVIDGE, JOSEPH.....	1201	Chestnut street.
1899	SCARBOROUGH, HENRY W.....	522	Walnut street.
1898	SCHOFIELD, CHARLES S.....		N. E. Cor. Broad and Arch streets.
1912	SCOTT, GARFIELD	1218	Real Estate Trust Building.
1895	SCOTT, HENRY J.....		Penn Square Building.
1895	SCOTT, JOHN, JR.....	1012	Stephen Girard Building.
1895	SCOTT, JOHN M.....	1008	Witherspoon Building.
1901	SCOTT, JOHN R. K.....	900	Morris Building.
1911	SCOTT, SAMUEL B.	812	Arcade Building.
1904	SEIBERLICH, EDWARD B.....	1217	Land Title Building.
1902	SHAPLEY, E. COOPER.....	316	Stephen Girard Building.
1901	SHATTUCK, FRANK R.....		Land Title Building.
1906	SHICK, ROBERT P.....	723	North American Building.
1895	SHIELDS, A. S. L.....	200	Betz Building.
1899	SHOEMAKER, WILLIAM H.....	1420	Chestnut street.
1895	SHOYER, FREDERICK J.....	1000	Penn Square Building.
1914	SICKEL, HOWARD S. J.....	1000	Penn Square Building.
1895	SIMPSON, ALEX., JR.....	1005	Morris Building.
1904	SINNICKSON, CHARLES.....	411	Real Estate Trust Building.
1902	SLATTERY, JOSEPH A.....	931	Land Title Building.
1895	SMITH, ALFRED PERCIVAL.....	704	Franklin Bank Building.
1895	SMITH, LEWIS LAWRENCE.....	1011	Chestnut street.
1902	SMITH, R. STUART.....	934	Land Title Building.
1904	SMITH, THOMAS KILBY.....	1006	Land Title Building.
1895	SMITH, WALTER GEORGE.....		"
1895	SMITH, WILLIAM RUDOLPH.....		"
1899	SMITHERS, WILLIAM W.....	1100	Land Title Building.
1902	SMYTH, DAVID J.....	707	Franklin Bank Building.
1905	SMYTH, WILLIAM J.....	1328	Chestnut street.
1910	SOBERNEHEIMER, FREDERICK A....	825	Stephen Girard Building.
1910	SPALDING, HENRY	618	North American Building.
1895	SPARHAWK, JOHN, JR.....		Commercial Trust Building.

Year of Admission	PHILADELPHIA COUNTY—continued
1895	STAAKE, WILLIAM H.....501 Franklin Building.
1904	STAAKE, WILLIAM W....."
1914	STEIN, GEORGE H.....518 Real Estate Trust Building.
1895	STENGER, WILLIAM S.....1420 Chestnut street.
1914	STERLING, PHILIP.....133 South Twelfth street.
1914	STERN, ISADORE1200 Penn Square Building.
1909	STEWART, DANIEL A.....119 South Fourth street.
1902	STEWART, WILLIAM M., JR.....1242 Land Title Building.
1910	STOCKWELL, HERBERT G.....831 Land Title Building.
1895	STOEVEY, WILLIAM C.....727 Walnut Street.
1910	STRONG, JOHN M.....West End Trust Building.
1896	STUTZBACH, MARTIN H.....611 South 48th street.
1910	SUTTON, ISAAC C.....301 Franklin Building.
1904	SWARTLEY, FRANCIS K.....1133 Land Title Building.
1900	TAULANE, JOSEPH H.....1201 Stephen Girard Building.
1895	TAYLOR, CARTER BERKELEY.....904 Land Title Building.
1902	TAYLOR, JOSEPH T.....Penn Square Building.
1902	TAYLOR, SAMUEL J.....1715 Land Title Building.
1902	THOLE, FRANCIS H.....800 Penn Square Building.
1896	THOMAS, SAMUEL HINDS308 Walnut street.
1900	THOMPSON, HENRY C., JR.....2015 Land Title Building.
1898	THOMPSON, J. WHITAKER.....309 P. O. Building.
1895	TODD, M. HAMPTON.....133 South Twelfth street.
1897	TOWNSEND, J. B., JR.....715 Walnut street.
1900	TRACY, HENRY M.....741 Land Title Building.
1902	TURNER, WILLIAM J.....927 Chestnut street.
1900	TUSTIN, ERNEST L.....1420 Chestnut street.
1906	VALE, RUBY R.....1540 Land Title Building.
1895	VAN DUSEN, GEORGE R.....1012 Stephen Girard Building.
1896	VAN HORN, CHARLES F.....614 Witherspoon Building.
1899	VON MOSCHZISKER, ROBERT.....363 City Hall.
1908	WALKER, WINFIELD S.....1204 Land Title Building.
1902	WALLACE, WILLIAM S.....704 Bailey Building.
1912	WALNUT, T. HENRY.....Franklin Building.
1913	WARWICK, NELSON D.....823 Weightman Building.
1902	WATERS, ASA WILSON1302 Real Estate Trust Building.
1896	WEAVER, JOHN1416 South Penn Square.
1904	WEIL, ARTHUR E.....1217 Land Title Building.
1895	WEIMER, ALBERT B.....843 Real Estate Trust Building.
1910	WESLEY, CHARLES S.....1420 Chestnut street.
1901	WETHERILL, JOHN LAWRENCE.....1302 Commonwealth Trust Bldg.
1895	WHITE, ELIAS H.....505 Bailey Building.
1902	WHITE, JOHN J.....Marlborough-Blenheim, Atlantic City, N. J.

Year of
Admission

PHILADELPHIA COUNTY—continued

1903	WHITE, THOS. RAEBURN	700 West End Trust Building.
1895	WHITE, WILLIAM, JR.	1302 Commonwealth Trust Bldg.
1896	WILER, ALFRED DAY.	2131 Land Title Building.
1907	WILLARD, WALTER	505 Betz Building.
1899	WILLIAMS, IRA JEWELL.	1005 Morris Building.
1895	WILLIAMS, J. HENRY.	133 South Twelfth street.
1904	WILLIAMS, PARKER S.	711 Arcade Building.
1904	WILLIAMS, THOMAS S.	560 Drexel Building.
1907	WILSON, JOSEPH R.	606 Commonwealth Building.
1901	WILSON, W. C.	1000-06 Penn Square Building.
1895	WINTERSTEEN, A. H.	1601 Morris Building.
1899	WOLFF, OTTO	1002 Betz Building.
1908	WOOD, CLEMENT B.	934 Land Title Building.
1895	WOODRUFF, CLINTON ROGERS.	121 South Broad street.
1911	WOODWARD, GRAHAM C.	1327 Real Estate Trust Building.
1901	YOUNG, SYDNEY	642 Land Title Building.
1904	ZIEGLER, CHARLES F.	904 Walnut street.
1898	ZUG, CHARLES K.	Commonwealth Trust Building.

PIKE COUNTY

1905	BAKER, HARRY T.	Milford.
------	----------------------	----------

SCHUYLKILL COUNTY

1914	BERGER, C. E.	Pottsville.
1910	BURKE, M. M.	Shenandoah,
1895	MOYER, JOSEPH W.	Pottsville.
1908	ROADS, GEORGE M.	"
1912	ULRICH, JOHN O.	Tamaqua,

SOMERSET COUNTY

1908	COOPER, FRANK.	Wellersburg.
1902	KIERNAN, EDMUND E.	Somerset.
1895	RUPPEL, W. H.	"
1895	UHL, JOHN H.	"

SUSQUEHANNA COUNTY

1914	KELLEY, JOHN M.	Montrose.
1914	LITTLE, GEORGE P.	"
1914	LITTLE, RALPH B.	"
1914	SKINNER, WILLIAM A.	Susquehanna.
1899	SMITH, A. B., JR.	Montrose.
1914	VAN SCOTEN, CHARLES L.	"

Year of
Admission

TIOGA COUNTY

1906 MARSH, H. F. Wellsboro.

UNION COUNTY

1897 BAKER, J. THOMPSON Wildwood, N. J.
 1895 GLOVER, HORACE PELLMAN Mifflinburg.
 1912 JOHNSON, ALBERT W. Lewisburg.
 1895 LEISER, ANDREW ALBRIGHT "
 1897 LINN, PHILIP B. "
 1895 MCCLURE, HAROLD M. "
 1911 STEININGER, CLOYD "

VENANGO COUNTY

1913 MILLER, J. FRENCH Franklin.
 1914 NESBIT, JOHN L. "
 1910 SPEER, PETER M. Oil City.
 1914 WEIGLE, WILLIAM H. "

WARREN COUNTY

1914 ALEXANDER, JAMES H. Warren.
 1902 ALLEN, WILLIAM HARRISON "
 1895 BALL, D. I. "
 1901 BESH LIN, E. H. "
 1914 CLARK, WILLIAM S. "
 1911 ELDRED, A. G. "
 1895 HINCKLEY, WATSON D. "
 1901 LINDSEY, EDWARD "
 1897 RICE, WILLIAM E. "
 1903 SCHOFIELD, JOSEPH A. "

WASHINGTON COUNTY

1895 BROWN SON, JAMES I. Washington.
 1907 DONNAN, JOHN H. "
 1908 HAZZARD, VERNON Monongahela City.
 1907 IRWIN, R. W. Washington.
 1907 LINN, ANDREW M. "
 1895 MCLIV AINE, JOHN A. "
 1902 MYERS, HARRY RUSSELL "
 1902 TEMPLETON, ALEXANDER M. "
 1900 WILEY, J. A. "

WAYNE COUNTY

1912 GARRATT, CHESTER A. Honesdale.
 1896 GREENE, HOMER "
 1895 SEARLE, ALONZO T. "

Year of
Admission

WESTMORELAND COUNTY

1897	DOTY, LUCIEN W.....	Greensburg.
1896	GAITHER, PAUL H.....	"
1897	HEAD, JOHN B.....	"
1897	McCONNELL, A. D.....	"
1895	MOORHEAD, JAMES S.....	"
1895	ROBBINS, EDWARD E.....	"
1911	WHITTEN, CHARLES E.....	"
1897	WOODS, CYRUS E.....	"

WYOMING COUNTY

1895	PIATT, JAMES WILSON.....	Tunkhannock.
1895	TERRY, CHARLES E.....	"

YORK COUNTY

1897	BITTENGER, JOHN W.....	York.
1901	BLACK, JERE S.....	"
1895	COCHRAN, RICHARD E.....	"
1902	GEMMILL, W. B.....	"
1896	HAWKINS, CHARLES A.....	"
1901	HOOBER, JOHN A.....	"
1914	KAIN, GEORGE HAY.....	"
1913	KELL, JOHN F.	"
1905	NEFF, GEORGE E.....	"
1895	NILES, HENRY C.....	"
1912	NILES, MICHAEL S.....	"
1896	ROSS, N. SARGENT.....	"
1902	ROUSE, JOHN L.....	"
1905	SCHMIDT, GEORGE S.....	"
1895	STEWART, W. F. BAY.....	"
1895	STRAWBRIDGE, JOSEPH R.....	"
1902	VANDERSLOOT, JOHN E.....	"
1914	WANNER, NEVIN M.....	"
1913	WUEST, ALLEN C.	"
1896	WILLIAMS, SMYSER	"
1904	YOST, DONALD H.....	"

ALPHABETICAL LIST OF MEMBERS

Year of
Admission

1908	ABBOTT, EDWIN M.....	Philadephia.	
1900	ACHESON, M. W., JR.....	Pittsburgh.	
1910	ACKER, J. HENRY RADEY...	Philadelphia.	
1907	ADAMS, JACOB B.....	Uniontown,	Fayette Co.
1895	ADAMS, JOHN STOKES	Philadelphia.	
1914	ADAMS, W. B.....	Punxsutawney,	Jefferson Co.
1895	ADDAMS, CHARLES P.....	Carlisle,	Cumberland Co.
1900	ADLER, FRANCIS COPE.....	Philadelphia,	"
1897	AIKEN, ROBERT K.....	New Castle,	Lawrence Co.
1899	ALCORN, JAMES.....	Philadelphia.	
1902	ALEXANDER, BENJAMIN	"	
1914	ALEXANDER, JAMES H.....	Warren,	Warren Co.
1895	ALEXANDER, WILLIAM.....	Chambersburg,	Franklin Co.
1902	ALLEN, WILLIAM HARRISON.	Warren,	Warren Co.
1914	ALTER, GEORGE E.....	Pittsburgh.	
1914	AMBLER, HARRY S., JR....	Philadelphia.	
1895	AMES, HERBERT T.....	Williamsport,	Lycoming Co.
1906	AMMON, SAMUEL A.....	Pittsburgh.	
1902	AMRAM, DAVID W.....	Philadelphia.	
1899	ANDERSON, J. N.....	Pittston,	Luzerne Co.
1899	ANDERSON, WILLIAM Y. C..	Philadelphia.	
1914	ANDREWS, TRUMAN O.....	Erie,	Erie Co.
1900	ANGNEY, ALLAN B.....	Pittsburgh.	
1907	APPEL, JOHN W.....	Lancaster,	Lancaster Co.
1903	APPEL, WILLIAM N.....	"	"
1896	ARCHBALD, R. W.....	Scranton,	Lackawanna Co.
1902	ARNOLD, ARTHUR S.....	Philadelphia.	
1914	ARRONSON, HENRY	"	
1899	ATHERTON, THOMAS H.....	Wilkes Barre,	Luzerne Co.
1904	ATLEE, BENJ. C.....	Lancaster,	Lancaster Co.
1910	AUBREY, GEORGE W.....	Allentown,	Lehigh Co.
1895	AUDENREID, CHARLES Y....	Philadelphia.	
1895	BACKENSTOE, CLAYTON H..	Harrisburg,	Dauphin Co.
1895	BAILEY, CHARLES L., JR....	"	"
1905	BAILEY, THOMAS F.....	Huntingdon,	Huntingdon Co.
1911	BAKER, CHARLES G.....	Lancaster,	Lancaster Co.
1900	BAKER, C. L.....	Erie,	Erie Co.
1905	BAKER, HARRY T.....	Milford,	Pike Co.
1897	BAKER, J. THOMPSON.....	Wildwood, N. J.	
1897	BALDRIGE, THOMAS J.....	Holidaysburg,	Blair Co.
1895	BALL, D. I.....	Warren,	Warren Co.
1895	BALLARD, ELLIS AMES	Philadelphia.	
1902	BALPH, ROWLAND A.....	Pittsburgh.	

Year of
Admission

1895	BAMBERGER, ALBERT J.	Philadelphia.	
1895	BAMBERGER, LEONARD J.	"	
1897	BANKS, J. N.	Indiana,	Indiana Co.
1914	BANE, JOHN C.	Pittsburgh.	
1895	BARBER, LAIRD H.	Mauch Chunk,	Carbon Co.
1895	BARNES, J. HAMPTON.	Philadelphia.	
1907	BARNETT, GEORGE R.	Harrisburg,	Dauphin Co.
1897	BARRATT, NORRIS S.	Philadelphia.	
1902	BARTLETT, CHARLES E.	"	
1914	BARTLETT, G. DOUGLAS.	"	
1902	BASEHORE, SAMUEL E.	Mechanicsburg,	Cumberland Co.
1908	BAUERLE, ALBERT T.	Philadelphia.	
1913	BAUERLE, HARRY T.	"	
1914	BAYLE, SAMUEL B.	Erie,	Erie Co.
1897	BEAL, JAMES H.	Pittsburgh.	
1898	BEATTY, SUZANNE S.	"	
1908	BECK, JAMES M.	New York City.	
1895	BEDFORD, GEORGE R.	Wilkes Barre,	Luzerne Co.
1899	BEDFORD, J. CLAUDE.	Philadelphia.	
1912	BEDFORD, PAUL	Wilkes Barre,	Luzerne Co.
1895	BEEBER, DIMNER.	Philadelphia.	
1908	BEGGS, ROBERT A., JR.	"	
1895	BEITLER, ABRAHAM M.	"	
1905	BEITLER, HAROLD B.	"	
1900	BELL, JOHN CROMWELL	"	
1914	BELL, SINGLETON	Clearfield,	Clearfield Co.
1905	BENNER, THOMAS M.	Pittsburgh.	
1914	BERGER, C. E.	Pottsville,	Schuylkill Co.
1907	BERNTHEIZEL, CLEON N.	Columbia,	Lancaster Co.
1909	BERTOLET, WELLINGTON M. .	Reading,	Berks Co.
1895	BERTOLETTE, FREDERICK	Mauch Chunk,	Carbon Co.
1901	BESHLIN, E. H.	Warren,	Warren Co.
1914	BICKEL, H. RANK.	Lebanon,	Lebanon Co.
1895	BIDDLE, CHARLES.	Philadelphia.	
1912	BIDDLE, EDWARD M.	"	
1895	BIDDLE, EDWARD W.	Carlisle,	Cumberland Co.
1914	BIDDLE, FRANCIS B.	Philadelphia.	
1912	BIGELOW, JOHN H.	Wilkes Barre,	Luzerne Co.
1904	BIKLE, HENRY WOLF.	Philadelphia.	
1897	BITTENDER, JOHN W.	York,	York Co.
1901	BLACK, JERE S.	"	"
1900	BLAKELEY, W. A.	Pittsburgh.	
1895	BLANCHARD, JOHN.	Bellefonte,	Centre Co.
1914	BLOSS, C. ARTHUR.	Erie,	Erie Co.
1911	BLAXTER, HENRY V.	Pittsburgh.	

Year of Admission		
1914	BLILEY, FRANK A.....	Erie, Erie Co.
1902	BOCKIUS, MORRIS R.....	Philadelphia.
1901	BODINE, WILLIAM B., JR....	"
1907	BOHLEN, FRANCIS H.....	"
1914	BOND, LEWIS R.....	Morrisville, Bucks Co.
1896	BONSALL, EDWARD H.....	Philadelphia.
1900	BORNEMAN, HENRY S.....	"
1913	BOULTON, HARRY	Clearfield, Clearfield Co.
1902	BOUTON, J. W.....	Smethport, McKean Co.
1895	BOWERS, O. C.....	Chambersburg, Franklin Co.
1902	BOWKER, GEORGE C.....	Philadelphia.
1895	BOWMAN, WENDELL P.....	"
1897	BOWSER, S. F.....	Butler, Butler Co.
1904	BOYER, HERBERT M.....	Philadelphia.
1903	BOYLE, JOHN.....	Uniontown, Fayette Co.
1914	BOYLE, ROBERT M.....	Philadelphia.
1901	BRACKEN, FRANCIS B.....	"
1914	BRADSHAW, GEORGE C.....	Pittsburgh.
1900	BRADY, JOHN T.....	Harrisburg, Dauphin Co.
1895	BREGY, LOUIS.....	Philadelphia.
1903	BREITINGER, FRED. L.....	"
1902	BREITINGER, J. LOUIS	"
1902	BRENNEN, WILLIAM J.....	Pittsburgh.
1901	BRINTON, JOSEPH HILL.....	Philadelphia.
1902	BRINTON, SHARSWOOD.....	"
1902	BROOKS, EDWARD, JR.....	"
1903	BROOKS, JOHN B.....	Erie, Erie Co.
1904	BROOMALL, JOHN M.....	Media, Delaware Co.
1895	BROWN, FRANCIS SHUNK...	Philadelphia.
1895	BROWN, HENRY P.....	"
1895	BROWN, J. HAY.....	Lancaster, Lancaster Co.
1895	BROWN, JOHN A.....	Philadelphia.
1895	BROWN, JOHN D.....	Pittsburgh.
1895	BROWN, MARSHALL.....	"
1902	BROWN, REYNOLDS D.	Philadelphia.
1895	BROWN, THOMAS S.....	Pittsburgh.
1904	BROWN, WM. ALEXANDER..	Philadelphia.
1896	BROWN, WILLIAM FINDLAY..	"
1901	BROWNBACK, HENRY M....	Norristown, Montgomery Co.
1895	BROWNSON, JAMES I.....	Washington, Washington Co.
1895	BUDD, HENRY.....	Philadelphia.
1907	BUNTING, JOSEPH T.....	"
1895	BURGIN, AUGUSTUS P....	Pittsburgh.
1895	BURGIN, GEORGE C.....	"
1910	BURKE, M. M.	Shenandoah, Schuylkill Co.

Year of
Admission

1900	BURLEIGH, CLARENCE.....	Pittsburgh.	
1895	BURNETT, WILLIAM H.....	Philadelphia.	
1895	BURR, JAMES E.....	Scranton,	Lackawanna Co.
1910	BUSHONG, ROBERT GREY ...	Reading,	Berks Co.
1908	BUTLER, GEORGE T.....	Media,	Delaware Co.
1910	BUTLER, J. EDGAR	Philadelphia.	
1896	BUTLER, WILLIAM, JR.....	West Chester,	Chester Co.
1912	BUTZ, REUBEN J.....	Allentown,	Lehigh Co.
1914	BYLES, AXTELL J.....	Titusville,	Crawford Co.
1902	CADWALADER, JOHN, JR....	Philadelphia.	
1896	CADWALADER, RICHARD M..	"	
1902	CALVERT, GEORGE H.....	Pittsburgh.	
1912	CAMPBELL, ANTHONY C....	Wilkes Barre,	Luzerne Co.
1913	CAMPBELL, BRUCE H.	Johnstown,	Cambria Co.
1909	CAMPBELL, GEORGE J.....	Bellevue,	Allegheny Co.
1896	CAMPBELL, JAMES D.....	Wyncote,	Montgomery Co.
1901	CAMPBELL, JOHN M.....	Philadelphia.	
1895	CANDOR, ADDISON.....	Williamsport,	Lycoming Co
1895	CARE, R. SHERMAN.....	Harrisburg,	Dauphin Co.
1896	CARPENTER, J. McF.....	Pittsburgh.	
1898	CARR, GEORGE W.....	Philadelphia.	
1896	CARR, WILLIAM WILKINS..	"	
1914	CARROLL, W. S.....	Erie,	Erie Co.
1895	CARSON, HAMPTON L.....	Philadelphia.	
1914	CARSON, JOSEPH.....	"	
1909	CARVER, ALEXANDER HENRY.	"	
1897	CARVER, CHARLES.....	"	
1895	CATTELL, HENRY S.....	"	
1896	CHALFANT, GEORGE N.....	Pittsburgh.	
1908	CHALFANT, JOHN W.	"	
1908	CHALLENGER, W. A.....	"	
1896	CHANTLER, THOMAS D.....	"	
1902	CHAPMAN, S. SPENCER.....	Philadelphia.	
1914	CHASE, GEORGE A.....	Titusville,	Crawford Co.
1914	CHIDSEY, T. McKEEN.....	Easton,	Northampton Co.
1908	CHILDS, LOUIS M.....	Norristown,	Montgomery Co.
1895	CLARK, B. M.....	Punxsutawney,	Jefferson Co.
1904	CLARK, FREDERIC L.....	Philadelphia.	
1914	CLARK, WILLIAM S.....	Warren,	Warren Co.
1895	CLEMENT, CHARLES M.....	Sunbury,	Northumberland Co.
1912	CLEMENT, SAMUEL M., Jr...	Philadelphia.	
1895	CLEVELAND, EMERSON J....	Canton,	Bradford Co.
1902	COCHRAN, A. A.....	Chester,	Delaware Co.
1895	COCHRAN, RICHARD E.....	York,	York Co.
1899	CODDING, JOHN W.....	Towanda,	Bradford Co.

Year of Admission		
1902	CODY, FRANK M.....	Philadelphia.
1914	COFFIN, GEORGE F.....	Easton,
1911	COHEN, JOSIAH	Pittsburgh.
1895	COLAHAN, JOHN B., JR.....	Philadelphia.
1913	COLE, A. L.	Clearfield,
1913	COLKET, G. HAMILTON	Philadelphia.
1913	COLLINS, EMERSON	Williamsport,
1900	CONARD, C. WILFRED.....	Philadelphia.
1904	CONLEN, WILLIAM J.	"
1902	CONRAD, W. N.....	Brookville,
1908	COOPER, FRANK.....	Wellersburg,
1899	COOPER, SAMUEL W.....	Philadelphia.
1895	CORBET, CHARLES	Brookville,
1905	CORE, JOHN McMULLAN....	Uniontown,
1895	CORNWELL, ROBERT T.....	West Chester,
1902	COULSTON, CHARLES W.....	Philadelphia.
1908	COYLE, JOHN A.	Lancaster,
1914	CRAGO, THOMAS S.....	Waynesburg,
1895	CRAIG, EDWIN S.....	Pittsburgh.
1895	CRAIG, J. H.....	Altoona,
1902	CRAWFORD, CHARLES S....	Pittsburgh.
1906	CROCKER, WILLIAM D.....	Williamsport,
1904	CROWLEY, JERE J.....	Philadelphia.
1903	CULBERTSON, HORACE J....	Lewistown,
1909	CUNNINGHAM, JESSE E. B..	Pittsburgh.
1902	CUNNINGHAM, SAMUEL....	Indiana,
1900	CURTZE, HERMANN J.	Erie,
1895	CUYLER, THOMAS DeWITT..	Philadelphia.
1900	DA COSTA, CHARLES F.	"
1900	DAHLINGER, CHARLES W....	Pittsburgh.
1902	DALLETT, MORRIS	Philadelphia.
1895	DALZELL, JOHN	Pittsburgh.
1898	DALZELL, WILLIAM S.....	"
1908	DAMPMAN, JOHN B.....	Reading,
1901	DANA, RICHARD FALLS....	New Castle,
1900	DANA, SAMUEL W.....	"
1902	DANIELS, BENJAMIN.....	Philadelphia.
1898	DANNEHOWER, WILLIAM F..	Norristown,
1898	DARLING, THOMAS.....	Wilkes Barre,
1895	DARLINGTON, GEORGE E....	Media,
1912	DARLINGTON, ISABEL	West Chester,
1903	DARRAGH, ROBERT W.....	Beaver,
1902	DAVIS, HOWARD A.....	Philadelphia.
1906	DAVISON, WATSON R.....	Waynesboro,
1895	DECHERT, HENRY M.....	Philadelphia.
1895	DECHERT, HENRY T.....	"
		Northampton Co.
		Clearfield Co.
		Lycoming Co.
		Jefferson Co.
		Somerset Co.
		Jefferson Co.
		Fayette Co.
		Chester Co.
		Lancaster Co.
		Greene Co.
		Blair Co.
		Lycoming Co.
		Mifflin Co.
		Indiana Co.
		Erie Co.
		Berks Co.
		Lawrence Co.
		"
		Montgomery Co.
		Luzerne Co.
		Delaware Co.
		Chester Co.
		Beaver Co.
		Franklin Co.

Year of
Admission

1914	DECKER, OLIVER J.....	Williamsport,	Lycoming Co.
1897	DEEMER, WILLIAM RUSSELL.....	"	"
1903	DEMMING, GEORGE.....	Philadelphia.	
1895	DERR, CYRUS G.....	Reading,	Berks Co.
1895	DESHLER, JAMES B.....	Allentown,	Lehigh Co.
1895	DEVELIN, JAMES AYLWARD.....	Philadelphia.	
1909	DEYSHER, ELWOOD H.....	Reading,	Berks Co.
1901	DICKEY, JOHN, JR.....	Philadelphia.	
1909	DICKINSON, JOSEPH R.....	Reading,	Berks Co.
1902	DICKINSON, O. B.....	Chester,	Delaware Co.
1899	DICKSON, ARTHUR G.....	Philadelphia.	
1895	DICKSON, SAMUEL.....	"	
1898	DIMMICK, J. BENJAMIN.....	Scranton.	Lackawanna Co.
1900	DIXON, EDWIN S.....	Philadelphia.	
1907	DONNAN, JOHN H.....	Washington,	Washington Co.
1905	DORRIS, JOHN D.....	Huntingdon,	Huntingdon Co.
1897	DOTY, LUCIEN W.....	Greensburg,	Westmoreland Co.
1901	DOUGHERTY, D. WEBSTER.....	Philadelphia.	
1900	DOUGLASS, E. P.....	McKeesport,	Allegheny Co.
1911	DOUGLASS, HOWARD W.....	Pittsburgh.	
1902	DOWNING, CHARLES H.....	Philadelphia.	
1896	DRAKE, FREDERICK S.....	"	
1905	DROVIN, GEORGE ALBERT.....	"	
1895	DUANE, RUSSELL.....	"	
1914	DUFF, H. BEDFORD.....	Erie,	Erie Co.
1902	DUFF, JOHN BOYD.....	Pittsburgh.	
1895	DULL, CASPER.....	Harrisburg,	Dauphin Co.
1910	DUMN, HARRY J.....	Reading,	Berks Co.
1914	DUTTON, HARWELL B.....	Chester,	Delaware Co.
1912	DUY, A. W.....	Bloomsburg,	Columbia Co.
1898	EABY, C. REESE.....	Lancaster,	Lancaster Co.
1901	EASTBURN, HUGH B.....	Doylestown,	Bucks Co.
1906	EASTMAN, FRANK M.....	Harrisburg,	Dauphin Co.
1914	ECHOLS, MIRVINE.....	Erie,	Erie Co.
1904	EDMONDS, FRANKLIN S.....	Philadelphia.	
1902	EDMUNDS, CHARLES H.....	"	
1902	EDMUNDS, HENRY R.....	"	
1904	EDWARDS, GEORGE J., JR.....	"	
1896	EDWARDS, H. M.....	Scranton,	Lackawanna Co.
1903	EDWARDS, NICHOLAS M.....	Williamsport,	Lycoming Co.
1902	EGGLESTON, CHARLES F.....	Philadelphia.	
1904	EHRLICH, FRANZ, JR.....	"	
1912	EICHENAUER, J. B.....	Pittsburgh.	
1913	EICHHOLZ, ADOLPH.....	Philadelphia.	
1902	ELDER, IRVIN CAMERON.....	Chambersburg,	Franklin Co.

Year of Admission		
1911	ELDRED, A. G.	Warren,
1895	ELKIN, JOHN P.	Indiana,
1908	ELY, FRED. H.	Philadelphia.
1909	EMBERY, JOSEPH R.	"
1896	ENDLICH, G. A.	Reading,
1895	ENDSLEY, HARRY S.	Johnstown,
1914	ENGLISH, CHARLES H.	Erie,
1895	ESHLEMAN, G. ROSS.	Lancaster,
1906	ESHLEMAN, H. FRANK.	"
1912	EVANS, EDWARD W.	Philadelphia.
1913	EVANS, HENRY O.	Pittsburgh.
1895	EVANS, JOHN A.	"
1914	EVANS, JOHN D.	"
1911	EVANS, JOHN LEWIS	Philadelphia.
1895	EVANS, MONTGOMERY	Norristown,
1895	EVANS, ROWLAND.	Philadelphia.
1905	EVANS, WILLIAM D.	Pittsburgh.
1904	EWING, THOMAS.	"
1897	FAGAN, CHARLES A.	"
1904	FAHY, THOMAS A.	Philadelphia.
1910	FAHY, WALTER THOMAS.	"
1901	FALLS, WALLACE H.	New Castle,
1907	FANNING, ADELBERT C.	Towanda,
1904	FARIES, EDGAR DUDLEY.	Philadelphia.
1912	FARNHAM, ALEXANDER.	Wilkes Barre,
1913	FARNUM, CHARLES A.	Philadelphia.
1905	FARR, CHESTER N., JR.	"
1908	FAUGHT, ALBERT SMITH.	"
1914	FELIX, HENRI.	"
1902	FELL, DAVID N., JR.	"
1895	FENSTERMAKER, THOMAS A.	"
1897	FERGUSON, WILLIAM C.	"
1902	FISH, HENRY E.	Erie,
1907	FISHER, GORDON.	Pittsburgh.
1906	FISHER, JOHN S.	Indiana,
1909	FISHER, J. WILMER.	Reading,
1897	FISHER, WILLIAM RIGHTER.	Philadelphia.
1912	FITZGERALD, WILLIAM J.	Scranton,
1902	FLAHERTY, JAMES A.	Philadelphia.
1899	FLEITZ, FREDERIC W.	Scranton,
1902	FLETCHER, J. GILMORE.	Pittsburgh.
1905	FLOOD, NED ARDEN.	Meadville,
1900	FLOWERS, GEORGE W.	Pittsburgh.
1895	FOLZ, LEON H.	Philadelphia.
1905	FOLZ, STANLEY.	"
		Warren Co.
		Indiana Co.
		Berks Co.
		Cambria Co.
		Erie Co.
		Lancaster Co.
		"
		Montgomery Co.
		Lawrence Co.
		Bradford Co.
		Luzerne Co.
		Erie Co.
		Indiana Co.
		Berks Co.
		Lackawanna Co.
		Lackawanna Co.
		Crawford Co

Year of
Admission

1914	FORCE, JOSEPH M.....	Erie,	Erie Co.
1907	FORD, THOMAS J.....	Pittsburgh.	
1913	FOSTER, GEORGE A.	Johnstown,	Cambria Co.
1895	FOX, EDWARD J.....	Easton,	Northampton Co.
1898	FOX, GILBERT RODMAN....	Norristown,	Montgomery Co.
1904	FOX, HENRY I.....	"	"
1905	FOX, HENRY K.....	Philadelphia.	
1895	FOX, JOHN E.....	Harrisburg,	Dauphin Co.
1909	FRAME, JOHN M.....	Reading,	Berks Co.
1895	FRAZER, ROBERT S.....	Pittsburgh.	
1895	FREDERICKS, J. T.....	Williamsport,	Lycoming Co.
1909	FRED, WALTER B.....	Reading,	Berks Co.
1895	FRIES, HENRY K.....	Philadelphia.	
1902	FRONEFIELD, W. ROGER....	Media.	Delaware Co.
1913	FURST, SIDNEY D.	Lock Haven,	Clinton Co.
1895	FURTH, EMANUEL.....	Philadelphia.	
1901	GABLE, VIVIAN FRANK....	"	
1896	GAITHER, PAUL H.....	Greensburg,	Westmoreland Co.
1902	GALLUP, FRED. D.....	Smethport,	McKean Co.
1895	GARMAN, JOHN M.....	Nanticoke,	Luzerne Co.
1912	GARRATT, CHESTER A.	Honesdale,	Wayne Co.
1899	GATES, THOMAS S.....	Philadelphia.	
1910	GAWTHROP, ROBERT S.	West Chester,	Chester Co.
1904	GEARY, A. B.....	Chester,	Delaware Co.
1913	GEARY, B. F.	Lock Haven,	Clinton Co.
1913	GEIGER, FREDERICK J.	Philadelphia.	
1902	GEMMILL, W. B.....	York,	York Co.
1895	GEST, JOHN M.....	Philadelphia.	
1914	GETTIG, SAMUEL D.....	Bellefonte,	Centre Co.
1895	GHEEN, JOHN J.....	West Chester,	Chester Co.
1902	GILFILLAN, ALEXANDER....	Pittsburgh.	
1902	GILFILLAN, JOSEPH.....	Philadelphia.	
1895	GILKYSON, H. H.....	Phoenixville,	Chester Co.
1914	GILKYSON, T. WALTER....	Philadelphia.	
1895	GILL, HARRY B.....	"	
1902	GILLAN, ARTHUR W.....	Chambersburg,	Franklin Co.
1895	GILLAN, W. RUSH.....	"	"
1898	GILLESPIE, CHARLES D....	Pittsburgh.	
1905	GLASGOW, WILLIAM A., Jr..	Philadelphia.	
1895	GLOVER, HORACE PELLMAN..	Mifflinburg,	Union Co.
1901	GOLDSMITH, AARON.....	Easton,	Northampton Co.
1909	GOOD, D. CLARE.....	Philadelphia.	
1902	GOODBREAD, JOSEPH S.....	"	
1895	GORDON, GEORGE B.....	Pittsburgh.	
1900	GORDON, JAMES GAY.....	Philadelphia	

Year of
Admission

1895	GORDON, QUINCY A.....	Mercer,	Mercer Co.
1895	GORMAN, WILLIAM.....	Philadelphia.	
1912	GOULD, W. H. G.....	"	
1895	GOWEN, FRANCIS I.....	"	
1900	GRAHAM, GEORGE S.....	"	
1911	GRAY, JAMES H.....	Pittsburgh.	
1902	GRAY, WILLIAM A.....	Philadelphia.	
1912	GRAYSON, THEODORE J.....	"	
1911	GREEN, ERNEST LeROY	Media,	Delaware Co.
1896	GREENE, HOMER.....	Honesdale,	Wayne Co.
1901	GREENWALD, JOSEPH L.....	Philadelphia.	
1911	GREENWOOD, WALTER E.....	Coatesville,	Chester Co.
1911	GREER, CHARLES C.....	Johnstown,	Cambria Co.
1911	GREEVY, THOMAS H.....	Altoona,	Blair Co.
1902	GRIFFITH, DAVID R., JR.....	Philadelphia.	
1901	GRIFFITH, WARREN G.....	"	
1906	GUMBES, FRANCIS M.....	"	
1902	GUMMEY, CHARLES F.....	"	
1900	GUNNISON, FRANK.....	Erie,	Erie Co.
1895	GUTHRIE, GEORGE W.....	Pittsburgh.	
1898	GUTHRIE, WALTER J.....	"	
1901	HAGAN, A. C.....	Uniontown,	Fayette Co.
1904	HAGER, CHARLES F.....	Lancaster,	Lancaster Co.
1895	HAIG, ALFRED R.....	Philadelphia.	
1904	HAIN, WILLIAM M.....	Harrisburg,	Dauphin Co.
1910	HAINES, WM. ELLIS	Williamsport,	Lycoming Co.
1895	HALL, WILLIAM M., JR.....	Pittsburgh.	
1908	HALLMAN, ELWOOD L.....	Norristown,	Montgomery Co.
1911	HALLMAN, THOMAS	Collegeville,	"
1913	HAMMOND, WILLIAM S. ...	Altoona,	Blair Co.
1898	HAND, ISAAC P.....	Wilkes Barre,	Luzerne Co.
1902	HANNA, MEREDITH	Philadelphia.	
1895	HARGEST, THOMAS S.....	Harrisburg,	Dauphin Co.
1895	HARGEST, WILLIAM M.....	"	"
1907	HARNISH, MARTIN M.....	Lancaster,	Lancaster Co.
1914	HARRIGAN, FRANK A.....	Philadelphia.	
1901	HARRINGTON, AVERY D.....	"	
1908	HARRIS, HENRY O.....	Doylestown,	Bucks Co.
1898	HARRIS, JOHN M.....	Scranton,	Lackawanna Co.
1914	HARRIS, REESE H.....	"	"
1899	HARRISON, J. HARVEY.....	Pittsburgh.	
1895	HART, WILLIAM W.....	Williamsport,	Lycoming Co.
1900	HASSLER, A. B.....	Lancaster,	Lancaster Co.
1906	HATFIELD, HENRY R.....	Philadelphia.	
1895	HAUSE, J. FRANK E.....	West Chester,	Chester Co.
1909	HAVILAND, JOHN, JR.....	Phoenixville,	"

Year of
Admission

1896	HAWKINS, CHARLES A.....	York,	York Co.
1906	HAWKINS, RICHARD H.....	Pittsburgh.	
1913	HAYES, J. CARROLL	West Chester,	Chester Co.
1902	HAYES, WILLIAM A.....	Philadelphia.	
1895	HAYES, WILLIAM M.....	West Chester,	Chester Co.
1908	HAZZARD, VERNON.....	Monongahela City,	Washington Co.
1897	HEAD, JOHN B.....	Greensburg,	Westmoreland Co.
1901	HECKSCHER, STEVENS	Philadelphia.	
1913	HEILIGMAN, OTTO R.	"	
1909	HEINLY, HARVEY F.....	Reading,	Berks Co.
1909	HEINSLING, H. T.....	Altoona,	Blair Co.
1896	HEMPHILL, JOSEPH.....	West Chester,	Chester Co.
1899	HENDERSON, GEORGE.....	Philadelphia.	
1907	HENDERSON, JOHN J.....	Meadville,	Crawford Co.
1909	HENDERSON, ROBERT A.....	Altoona,	Blair Co.
1914	HENDERSON, WILLIAM M...	Huntingdon,	Huntingdon Co.
1895	HENRY, BAYARD.....	Philadelphia.	
1910	HENRY, CHARLES V.....	Lebanon,	Lebanon Co.
1895	HENSEL, WILLIAM U.....	Lancaster,	Lancaster Co.
1901	HEPBURN, CHARLES J.....	Philadelphia.	
1895	HEPBURN, W. HORACE.....	"	
1895	HERTZOG, D. M.....	Uniontown,	Fayette Co.
1902	HERZBERG, MAX.....	Philadelphia.	
1904	HEYDT, HORACE.....	Mauch Chunk,	Carbon Co.
1904	HIBBERD, DILWORTH P.....	Philadelphia.	
1903	HICE, AGNEW.....	Beaver,	Beaver Co.
1895	HIESTER, ISAAC.....	Reading,	Berks Co.
1914	HILL, WALTER L.....	Scranton,	Lackawanna Co.
1907	HINCKLEY, JOHN C.....	Philadelphia.	
1895	HINCKLEY, WATSON D....	Warren,	Warren Co.
1908	HINKSON, JOSEPH H.....	Chester,	Delaware Co.
1913	HIPPLE, HENRY	Lock Haven,	Clinton Co.
1914	HIRT, WILLIAM E.....	Erie,	Erie Co.
1899	HOEFLE, HENRY A.....	Philadelphia.	
1900	HOFFMAN, EDWARD F.....	"	
1906	HOFFMAN, JOHN D.....	Bethlehem,	Northampton Co.
1895	HOLDING, ARCHIE McC.....	West Chester,	Chester Co.
1906	HOLT, RICHARD S.....	Beaver,	Beaver Co.
1901	HOOPER, JOHN A.....	York,	York Co.
1895	HOPKINSON, EDWARD.....	Philadelphia.	
1895	HOPWOOD, R. F.....	Uniontown,	Fayette Co.
1904	HORWITZ, GEORGE Q.....	Philadelphia.	
1897	HOSACK, GEORGE M.....	Pittsburgh.	
1907	HOTTENSTEIN, MARCUS S...	Dept. of Justice,	Washington, D. C.
1914	HOUSTON, J. GARFIELD.....	Pittsburgh.	

Year of
Admission

1914	HOWELL, E. A.....	Chester,	Delaware Co.
1902	HOWSON, CHARLES H.....	Philadelphia.	
1900	HUEY, ANDREW P.....	Kane,	McKean Co.
1902	HUEY, ARTHUR B.....	Philadelphia.	
1902	HUNSICKER, CHARLES.....	"	
1904	HUNSICKER, J. QUINCY.....	"	
1902	HUNTER, RICHARD S.....	"	
1910	HUTCHINSON, ARTHUR E..	"	
1909	HUTTON, A. J. WHITE.....	Chambersburg,	Franklin Co.
1895	IMBRIE, A. M.....	Pittsburgh.	
1895	INGHAM, JOHN C.	Towanda,	Bradford Co.
1910	IRVING, ROBERT W.	Carlisle,	Cumberland Co.
1907	IRWIN, R. W.....	Washington,	Washington Co.
1906	JACK, SUMMERS M.....	Indiana,	Indiana Co.
1899	JACOBS, FRANK	Allentown,	Lehigh Co.
1895	JACOBS, MICHAEL WM.....	Harrisburg,	Dauphin Co.
1901	JAMES, HENRY A.....	Doylestown,	Bucks Co.
1904	JAMES, HOWARD I.....	Bristol,	"
1899	JENKINS, JOHN E.....	Wilkes Barre,	Luzerne Co.
1908	JENKINS, J. P. HALE.....	Norristown,	Montgomery Co.
1896	JENKINS, THEODORE F.	Philadelphia.	
1904	JENKS, ROBERT D.....	"	
1900	JENNINGS, W. K.....	Pittsburgh.	
1912	JOHNSON, ALBERT W.....	Lewisburg,	Union Co.
1904	JOHNSON, ARCHIBALD T....	Philadelphia.	
1914	JOHNSTON, CHARLES M.....	Pittsburgh.	
1895	JOHNSON, JOHN G.....	Philadelphia.	
1912	JONES, BENJAMIN R.	Wilkes Barre,	Luzerne Co.
1906	JONES, CHARLES WARING...	Pittsburgh.	
1912	JONES, EVAN C.	Wilkes Barre,	Luzerne Co.
1902	JONES, G. VON PHUL.....	Philadelphia.	
1895	JONES, J. LEVERING.....	"	
1895	JONES, JAMES COLLINS.....	"	
1898	JONES, RICHMOND L.....	Reading,	Berks Co.
1906	JOPSON, THOMAS W.....	Philadelphia.	
1895	JORDAN, JOHN H.....	Bedford,	Bedford Co.
1895	JUNKIN, JOSEPH DeF.....	Philadelphia.	
1903	KAHLE, FREDERICK L.....	Pittsburgh.	
1914	KAIN, GEORGE HAY.....	York,	York Co.
1899	KANE, FRANCIS FISHER....	Philadelphia.	
1900	KANTNER, HARRY F.....	Reading,	Berks Co.
1899	KAST, IDA G.....	Mechanicsburg,	Cumberland Co.
1914	KAUPP, OTTO G.....	Williamsport,	Lycoming Co.
1895	KEELER, E. WESLEY.....	Doylestown,	Bucks Co.
1902	KEENE, GEORGE FRED.....	Philadelphia.	

Year of
Admission

1895	KEFOVER, CHARLES F.....	Uniontown,	Fayette Co.
1906	KEISER, HENRY P.....	Reading,	Berks Co.
1913	KELL, JOHN F.	York,	York Co.
1895	KELLER, HARRY.....	Bellefonte,	Centre Co.
1910	KELLER, HIRAM H.	Doylestown,	Bucks Co.
1901	KELLER, WILLIAM H.....	Lancaster,	Lancaster Co.
1914	KELLEY, JOHN M.....	Montrose,	Susquehanna Co.
1902	KENDRICK, MURDOCH.....	Philadelphia,	
1895	KENNEDY, JOHN M.....	Pittsburgh.	
1912	KENT, EDWARD J.....	"	
1902	KENWORTHY, JOSEPH W....	Philadelphia.	
1909	KEPPELMAN, JOHN ARTHUR.	Reading,	Berks Co.
1911	KERR, ALLEN HUMPHREYS..	Pittsburgh.	
1902	KIERNAN, EDMUND E.....	Somerset,	Somerset Co.
1909	KING, JAMES W.....	Philadelphia.	
1900	KINNEAR, JAMES W.....	Pittsburgh.	
1910	KIRKPATRICK, WILLIAM H..	Easton,	Northampton Co.
1895	KIRKPATRICK, WILLIAM S..	"	"
1896	KNAPP, HENRY A.....	Scranton,	Lackawanna Co.
1902	KNAUS, FREDERICK J.....	Philadelphia.	
1899	KNIGHT, HARRY S.....	Sunbury,	Northumberland Co.
1895	KNOX, P. C.....	Washington, D. C.	Pittsburgh.
1909	KOCH, EARLE I.....	Reading,	Berks Co.
1895	KOHLER, OTTO.....	Meadville,	Crawford Co.
1902	KOHN, HARRY E.....	Philadelphia.	
1914	KRAUSE, JAMES B.....	Williamsport,	Lycoming Co.
1914	KRAUSS, SIDNEY L.....	Philadelphia.	
1911	KREADY, B. FRANK	Lancaster,	Lancaster Co.
1895	KRESS, WILSON C.....	Lock Haven,	Clinton Co.
1904	KREWSON, GEORGE C.....	Philadelphia.	
1895	KULP, GEORGE B.....	Wilkes Barre,	Luzerne Co.
1903	KUNKEL, PAUL A.....	Harrisburg,	Dauphin Co.
1911	KYLE, WILLIAM J.....	Waynesburg,	Greene Co.
1910	LADNER, ALBERT H., JR....	Philadelphia.	
1910	LADNER, GROVER C.	"	
1895	LAIRD, FRANK H.....	Beaver,	Beaver Co.
1895	LAMB, THEODORE A.....	Erie,	Erie Co.
1914	LAMBERTON, EDWIN H.....	"	"
1895	LAMBERTON, JAMES M.....	Harrisburg,	Dauphin Co.
1910	LAMORELLE, JOSEPH F.....	Philadelphia.	
1913	LANARD, THOMAS S.	"	
1895	LANDIS, CHARLES I.....	Lancaster,	Lancaster Co.
1895	LANDRETH, LUCIUS S.....	Philadelphia.	
1906	LANGHAM, J. N.	Indiana,	Indiana Co.
1903	LANCK, EDGAR W.....	Philadelphia.	

Year of
Admission

1913	LARK, CHARLES C.	Shamokin,	Northumberland Co.
1910	LARRABEE, DON M.	Williamsport,	Lycoming Co.
1908	LARZELERE, JEREMIAH B....	Norristown,	Montgomery Co.
1898	LARZELERE, NICHOLAS H. ..	"	"
1914	LAUGHLIN, JOHN E.	Pittsburgh.	
1902	LAWS, JAMES W.	Philadelphia.	
1898	LAZEAR, JESSE T.	Pittsburgh.	
1897	LAZEAR, THOMAS C.	"	
1914	LEDWARD, J. DE HAVEN....	Chester,	Delaware Co.
1895	LEISER, ANDREW ALBRIGHT.	Lewisburg,	Union Co.
1895	LENAHAN, JOHN T.	Wilkes Barre,	Luzerne Co.
1895	LEONARD, FREDERICK M....	Philadelphia.	
1898	LESER, OSCAR.	Baltimore, Md.	
1895	LEVI, JULIUS C.	Philadelphia.	
1902	LEVIN, J. SIEGMUND.	"	
1895	LEWIS, FRANCIS D.	"	
1906	LEWIS, GEORGE C.	Pittsburgh.	
1914	LEWIS, HOWARD B.	Philadelphia.	
1895	LEWIS, WILLIAM DRAPER...	"	
1902	LEX, CHARLES E.	"	
1902	LIGHT, WARREN G.	Lebanon,	Lebanon Co.
1901	LINDSEY, EDWARD.	Warren,	Warren Co.
1907	LINN, ANDREW M.	Washington,	Washington Co.
1897	LINN, PHILIP B.	Lewisburg,	Union Co.
1902	LINN, WILLIAM B.	Philadelphia.	
1901	LITTLE, ALVIN L.	Bedford,	Bedford Co.
1914	LITTLE, GEORGE P.	Montrose,	Susquehanna Co.
1914	LITTLE, RALPH B.	"	"
1896	LITTLE, P. J.	Ebensburg,	Cambria Co.
1912	LIVERIGHT, A. M.	Clearfield,	Clearfield Co.
1911	LLOYD, GEORGE E.	Mechanicsburg,	Cumberland Co.
1902	LLOYD, MALCOLM, JR.	Philadelphia.	
1911	LOEB, CLARENCE.	"	
1901	LOGUE, J. WASHINGTON....	"	
1913	LONG, D. EDWARD	Fayetteville,	Franklin Co.
1913	LONG, HOWARD M.	Philadelphia.	
1902	LOOSE, JACOB C.	Mauch Chunk,	Carbon Co.
1904	LOYD, WILLIAM H.	Philadelphia.	
1910	LUDLOW, BENJAMIN H. ...	"	
1895	LUKENS, WILLIAM H. R....	"	
1899	LYLE, FRANKLIN L.	"	
1895	LYON, WALTER	Pittsburgh.	
1902	MACCAIN, CHRISTIAN S....	Philadelphia.	
1902	MACDADE, A. D.	Chester,	Delaware Co.
1909	MACELDOWNNEY, W. A....	Philadelphia.	

Year of
Admission

1904	MACFARLAND, LEO.....	Philadelphia.	
1895	MACFARLANE, JAMES R.....	Pittsburgh.	
1901	MACLEAN, WILLIAM, JR....	Philadelphia.	
1896	MACRUM, WILLIAM.....	Pittsburgh.	
1904	MANDEL, DAVID, JR.....	Philadelphia.	
1906	MARSH, H. F.....	Wellsboro, .	Tioga Co.
1906	MARSH, JOHN CRETH.....	Philadelphia.	
1910	MARTIN, J. FREDERICK	"	
1895	MARTIN, J. NORMAN.....	New Castle,	Lawrence Co.
1895	MARTIN, J. WILLIS.....	Philadelphia.	
1912	MARTIN, RICHARD W.	Pittsburgh.	
1904	MASON, WILLIAM CLARK...	Philadelphia.	
1896	MAUGER, DAVID F.....	Reading.	Berks Co.
1896	MAXWELL, HENRY D.....	Easton,	Northampton Co.
1895	MAXWELL, WILLIAM.....	Towanda,	Bradford Co.
1914	MAY, CHARLES R.....	Beaver Falls,	Beaver Co.
1899	MAYER, CLINTON O.....	Philadelphia.	
1910	McADAMS, FRANCIS M. ...	"	
1910	McAVOY, CHARLES D.	Norristown,	Montgomery Co.
1902	McCALL, WILLIAM E., JR..	Philadelphia.	
1895	McCARRELL, SAMUEL J. M..	Harrisburg,	Dauphin Co.
1904	McCARTHY, HENRY A.....	Philadelphia.	
1895	McCLAY, SAMUEL.....	Pittsburgh.	
1914	McCLENACHAN, W. B., JR..	Chester,	Delaware Co.
1896	McCLINTOCK, ANDREW H..	Wilkes Barre,	Luzerne Co.
1911	McCLOSKEY, THOMAS D....	Pittsburgh.	
1895	McCLUNG, S. A.....	"	
1911	McCLUNG, SAMUEL A., JR. .	"	
1895	McCLUNG, WILLIAM H....	"	
1895	McCLURE, HAROLD M.....	Lewisburg,	Union Co.
1896	McCOLLIN, EDWARD G.....	Philadelphia.	
1903	McCONNEL, WILLIAM A...	Beaver,	Beaver Co.
1897	McCONNELL, A. D.....	Greensburg,	Westmoreland Co.
1895	McCORMICK, HENRY B.....	Harrisburg,	Dauphin Co.
1913	McCORMICK, ROBERT B.	Lock Haven,	Clinton Co.
1895	McCORMICK, SETH T.....	Williamsport,	Lycoming Co.
1909	McCORMICK, SETH T., JR..	"	"
1895	McCOUCH, H. GORDON.....	Philadelphia.	
1903	McCoy, JOSEPH D.....	"	
1895	McCULLEN, JOSEPH P.....	"	
1906	McDONALD, GEORGE M.....	Reynoldsville,	Jefferson Co
1902	McENERY, M. J.....	Philadelphia.	
1895	McGIRR, FRANK C.....	Pittsburgh.	
1904	McGLATHERY, THOMAS D..	Philadelphia.	

Year of Admission		
1912	McGUIGAN, FRANK A.....	Wilkes Barre, Luzerne Co.
1901	McILHENNY, FRANCIS S...	Philadelphia.
1895	McILVAINE, JOHN A.....	Washington, Washington Co.
1904	McINNES, WALTER S.....	Philadelphia.
1897	McKEE, CHARLES H.....	Pittsburgh.
1903	McKEEHAN, CHARLES L....	Philadelphia.
1906	McKEEHAN, JOSEPH P....	Carlisle, Cumberland Co.
1897	McKELVY, J. E.....	Pittsburgh.
1895	McKENNA, CHARLES F....	"
1911	McKENNA, EDWARD J.....	"
1895	McKILLIP, H. A.....	Bloomsburg, Columbia Co.
1914	McKIRDY, JAMES	Harrisburg, Dauphin Co.
1905	McMEEN, ROBERT.....	Mifflintown, Juniata Co.
1902	McMICHAEL, CHARLES B...	Philadelphia.
1908	McMULLAN, JAMES.....	"
1902	McNEAL, J. H.....	"
1897	McSHERRY, WILLIAM.....	Gettysburg, Adams Co.
1902	MEAD, GLENN C.....	Philadelphia.
1902	MEAGHER, THOMAS J.....	"
1914	MEHARD, CHURCHILL B....	Pittsburgh.
1902	MEHARD, S. S.....	"
1895	MEIGS, WILLIAM M.....	Philadelphia.
1895	MELLORS, JOSEPH.....	"
1895	MERCUR, RODNEY A.....	Towanda, Bradford Co.
1895	MERRILL, JOHN HOUSTON..	Philadelphia.
1914	MERTENS, CHARLES A.....	Erie, Erie Co.
1895	MERVINE, NICHOLAS P....	Altoona, Blair Co.
1896	MESTREZAT, S. LESLIE....	Uniontown, Fayette Co.
1911	MEYER, SAMUEL T.....	Lebanon, Lebanon Co.
1895	MEYERS, WILLIAM K.....	Harrisburg, Dauphin Co.
1902	MICHENER, E. O.....	Philadelphia.
1904	MIDDLETON, ALLEN C.....	"
1910	MILLER, ALFRED S.	"
1895	MILLER, E. SPENCER.....	"
1907	MILLER, FREDERICK W.....	Pittsburgh.
1912	MILLER, J. ALBERT	Philadelphia.
1906	MILLER, JOHN FABER.....	Norristown, Montgomery Co.
1913	MILLER, J. FRENCH	Franklin, Venango Co.
1896	MILLER, J. J.....	Pittsburgh.
1911	MILLER, PHILIPPUS W....	Philadelphia.
1914	MILLER, THOMAS A.....	Pittsburgh.
1904	MIRKIL, I. HAZELTON.....	Philadelphia.
1914	MITCHELL, DAVID E.....	Pittsburgh.
1898	MITCHELL, H. WALTON....	"

Year of
Admission

1900	MITCHELL, JAMES T.....	Philadelphia.	
1913	MITCHELL, MAX L.	Williamsport,	Lycoming Co.
1904	MITCHESON, JOS. MACG....	Philadelphia.	
1903	MOISE, ALBERT L.....	"	
1902	MONTGOMERY, W. M.....	"	
1904	MONTGOMERY, W. W., JR..	"	
1895	MOORE, ALFRED.....	"	
1913	MOORE, CHARLES A.	"	
1914	MOORE, HARRY L.....	Erie,	Erie Co.
1902	MOORE, H. W.....	Philadelphia.	
1911	MOORE, SPRINGER H.	"	
1895	MOORE, WINFIELD S.....	Beaver,	Beaver Co.
1906	MOORHEAD, FOREST G.....	"	"
1895	MOORHEAD, JAMES S.....	Greensburg,	Westmoreland Co.
1897	MORGAN, CHARLES E., JR..	Philadelphia.	
1905	MORRIS, ROLAND S.....	"	
1902	MORRIS, W. NORMAN.....	"	
1902	MORRIS, WILLIAM S.....	"	
1895	MOYER, JOSEPH W.....	Pottsville,	Schuylkill Co.
1895	MULHEARN, EDWARD M....	Mauch Chunk,	Carbon Co.
1910	MULLIN, J. E.	Kane,	McKean Co.
1895	MUNSON, C. LA RUE.....	Williamsport,	Lycoming Co.
1908	MUNSON, GEORGE S.....	Philadelphia.	
1909	MURPHY, THOS. E.....	"	
1903	MURRAY, JAMES V.....	Brookville,	Jefferson Co.
1895	MYERS, H. H.....	Ebensburg,	Cambria Co.
1902	MYERS, HARRY RUSSELL....	Washington,	Washington Co.
1902	NAUMAN, JOHN A.....	Lancaster,	Lancaster Co.
1906	NEELY, J. HOWARD.....	Mifflintown,	Juniata Co.
1896	NEEPER, A. M.....	Pittsburgh.	
1905	NEFF, GEORGE E.....	York,	York Co.
1896	NEILSON, WILLIAM D.....	Philadelphia.	
1914	NESBIT, JOHN L.....	Franklin,	Venango Co.
1897	NEVIN, D. W.....	Easton,	Northampton Co.
1902	NEWBOURG, FREDERICK C., JR.	Philadelphia.	
1911	NEWLIN, WILLIAM E.....	McKeesport,	Allegheny Co.
1895	NICHOLS, H. S. PRENTISS ..	Philadelphia.	
1895	NILES, HENRY C.....	York,	York Co.
1912	NILES, MICHAEL S.....	"	"
1895	NISSLEY, JOHN C.....	Harrisburg,	Dauphin Co.
1899	NORRIS, G. HEIDE.....	Philadelphia.	
1908	NORRIS, WILLIAM F.....	"	
1909	NORTH, HUGH M.....	Lancaster,	Lancaster Co.
1910	O'BRIEN, CHARLES A.	Pittsburgh.	
1895	O'CONNOR, FRANCIS J.....	Johnstown,	Cambria Co.

Year of Admission		
1913	O'LAUGHLIN, JAMES P.	Clearfield, Clearfield Co.
1914	OLDS, CLARK	Erie, Erie Co.
1907	OMWAKE, J. S.	Shippensburg, Cumberland Co.
1895	OMWAKE, W. T.	Waynesboro, Franklin Co.
1895	ORAM, W. H. M.	Shamokin, Northumberland Co.
1913	ORLADY, FRED L.	Huntingdon, Huntingdon Co.
1895	ORLADY, GEORGE B.	" "
1907	ORLEMANN, HENRY P.	Philadelphia.
1895	ORR, CHARLES P.	Pittsburgh.
1895	ORVIS, ELLIS L.	Belleville, Centre Co.
1895	OSBURN, FRANK C.	Pittsburgh.
1895	OTT, FREDERICK M.	Harrisburg, Dauphin Co.
1902	PACKER, GIBSON D.	Pittsburgh.
1895	PAGE, HOWARD W.	Philadelphia.
1895	PAGE, S. DAVIS.	" "
1898	PAINTER, JOHN H.	Kittanning, Armstrong Co.
1898	PALMER, A. MITCHELL.	Stroudsburg, Monroe Co.
1910	PARKINSON, THOMAS I. ...	Philadelphia.
1913	PARRY, GEORGE G.	" "
1896	PATTERSON, G. STUART.	" "
1895	PATTERSON, JOHN E.	Harrisburg, Dauphin Co.
1906	PATTERSON, JOHN M.	Philadelphia.
1914	PATTERSON, MARION D.	Hollidaysburg, Blair Co.
1895	PATTERSON, ROSWELL H.	Scranton, Lackawanna Co.
1895	PATTERSON, T. ELLIOTT.	Philadelphia.
1895	PATTERSON, THOMAS.	Pittsburgh.
1913	PATTON, HENRY B.	Philadelphia.
1896	PAUL, J. RODMAN.	" "
1895	PENNELL, F. M. M.	Mifflintown, Juniata Co.
1898	PENNEWILL, WALTON.	Philadelphia.
1913	PENNYPACKER, ISAAC A. ...	" "
1896	PENNYPACKER, SAMUEL W. ...	" "
1895	PENROSE, BOIES.	" "
1904	PEPPER, B. FRANKLIN.	" "
1895	PEPPER, GEORGE WHARTON. ...	" "
1895	PHILLIPS, ALFRED I.	" "
1895	PIATT, JAMES W.	Tunkhannock, Wyoming Co.
1902	PILE, CHARLES H.	Philadelphia.
1903	PLAYFORD, ROBERT W.	Uniontown, Fayette Co.
1907	PLACE, ALBERT R.	Lansdale, Montgomery Co.
1895	PLUMER, L. M.	Pittsburgh.
1895	PORTER, WILLIAM D.	" "
1898	PORTER, WM. WAGENER.	Philadelphia.
1895	POTTER, SHELDON.	" "
1910	POWELL, HUMBERT B.	" "

Year of Admission		
1895	PRICE, SAMUEL B.....	Scranton, Lackawanna Co.
1912	PRICE, WILLIAM C.....	Wilkes Barre, Luzerne Co.
1895	PRICHARD, FRANK P.....	Philadelphia.
1902	PUSEY, FREDERICK T.....	"
1902	RALSTON, ROBERT.....	"
1910	RAMBO, ORMOND	"
1895	RAMSEY, SAMUEL D.....	West Chester, Chester Co.
1895	RAWLE, FRANCIS	Philadelphia.
1902	RAYMOND, EUGENE.....	"
1895	READING, JOHN G.....	Williamsport, Lycoming Co.
1914	REARICK, BERTRAM D.....	Philadelphia.
1902	REBER, J. HOWARD	"
1895	REED, JAMES H.....	Pittsburgh.
1896	REED, JOHN W.....	Brookville, Jefferson Co.
1895	REED, JOSEPH A.....	Philadelphia.
1902	REEVES, FREDERICK R.....	"
1913	REIG, W. SCOTT	"
1912	REID, AMBROSE B.	Pittsburgh.
1909	REILEY, DONALD CRESS.....	Bedford, Bedford Co.
1908	REILLY, PAUL	Philadelphia.
1906	REINEMAN, ROBERT T.....	Pittsburgh.
1903	REMAK, GUSTAVUS, JR.....	Philadelphia.
1895	REPPERT, EDMUND H.....	Uniontown, Fayette Co.
1895	REX, WALTER E.....	Philadelphia.
1905	REYNOLDS, JOHN M.....	Bedford, Bedford Co.
1910	RHEY, JOHN M.	Carlisle, Cumberland Co.
1895	RHOADS, JOSEPH R.....	Philadelphia.
1896	RICE, CHARLES E.....	Wilkes Barre, Luzerne Co.
1897	RICE, WILLIAM E.....	Warren, Warren Co.
1895	RICHARDS, LOUIS.....	Reading, Berks Co.
1904	RIDGWAY, THOMAS	Philadelphia.
1902	RILLING, JOHN S.....	Erie, Erie Co.
1908	ROADS, GEORGE M.....	Pottsville, Schuylkill Co.
1895	ROBBINS, EDWARD E.....	Greensburg, Westmoreland Co.
1908	ROBERTS, C. WILSON.....	Philadelphia.
1896	ROBERTS, GEORGE L.....	Pittsburgh.
1901	ROBERTS, OWEN J.....	Philadelphia.
1902	ROBINSON, D. STUART.....	"
1895	ROBINSON, V. GILPIN.....	"
1911	ROBINSON, WILLIAM M.....	Pittsburgh.
1902	RODMAN, WALTER C.....	Philadelphia.
1909	ROGERS, JAMES S.....	"
1914	RORKE, WILLIAM F.....	"
1908	ROSE, DON.....	Sewickley, Allegheny Co.
1906	ROSENBERGER, EMIL.....	Philadelphia.

Year of
Admission

1895	ROSENZWEIG, LOUIS	Erie,	Erie Co.
1908	ROSS, GEORGE	Doylestown,	Bucks Co.
1896	ROSS, N. SARGENT.....	York,	York Co.
1902	ROSS, THOMAS	Doylestown,	Bucks Co.
1914	ROSSITER, U. P.....	Erie,	Erie Co.
1908	ROTAN, SAMUEL P.....	Philadelphia.	
1895	ROTHERMEL, P. F., Jr.....	"	
1906	ROURKE, WILLIAM J.....	Reading,	Berks Co.
1902	ROUSE, JOHN L.....	York,	York Co.
1912	ROWAND, HARRY H.	Pittsburgh.	
1904	RUHL, CHRISTIAN H.....	Reading,	Berks Co.
1895	RUMSEY, HORACE M.....	Philadelphia.	
1910	RUNK, LOUIS BARCROFT ...	"	
1897	RUPLEY, ARTHUR R.....	Carlisle,	Cumberland Co.
1895	RUPPEL, W. H.....	Somerset,	Somerset Co.
1902	RYAN, MICHAEL J.....	Philadelphia,	
1903	RYAN, WILLIAM C.....	Doylestown,	Bucks Co.
1914	RYMER, RALPH W.....	Scranton,	Lackawanna Co.
1896	RYON, WILLIAM W.....	Shamokin,	Northumberland Co.
1903	SANDO, M. F.....	Scranton,	Lackawanna Co.
1902	SANSON, ALBERT W.....	Philadelphia.	
1906	SAUL, WALTER BIDDLE	"	
1900	SAVIDGE, FRANK R.....	"	
1895	SAVIDGE, JOSEPH.....	"	
1914	SAWDEY, DAVID A.....	Erie,	Erie Co.
1911	SAYERS, ALBERT H.	Waynesburg,	Greene Co.
1895	SCANDRETT, RICHARD B....	Pittsburgh.	
1899	SCARBOROUGH, HENRY W...	Philadelphia.	
1914	SCHAADT, JAMES L.....	Allentown,	Lehigh Co.
1895	SCHAFER, JOHN D.....	Pittsburgh.	
1898	SCHAFER, WILLIAM I.....	Chester,	Delaware Co.
1895	SCHAEFFER, D. NICHOLAS...	Reading,	Berks Co.
1909	SCHAEFFER, E. CARROLL.....	"	"
1909	SCHEELE, ISAIAH.....	Altoona,	Blair Co.
1905	SCHMIDT, GEORGE S.....	York,	York Co.
1898	SCHOFIELD, CHARLES S....	Philadelphia.	
1903	SCHOFIELD, JOSEPH A.....	Warren,	Warren Co.
1900	SCHOONMAKER, FRED. P....	Bradford,	McKean Co.
1912	SCOTT, GARFIELD	Philadelphia.	
1895	SCOTT, HENRY J.....	"	
1895	SCOTT, JOHN, JR.....	"	
1895	SCOTT, JOHN M.....	"	
1901	SCOTT, JOHN R. K.....	"	
1911	SCOTT, SAMUEL B.	"	

Year of Admission		
1896	SCULL, EDWARD B.....	Pittsburgh.
1911	SCULLY, CORNELIUS D.....	"
1895	SEARLE, ALONZO T.....	Honesdale, Wayne Co.
1904	SEIBERLICH, EDWARD B.....	Philadelphia.
1895	SEIBERT, WILLIAM N.....	New Bloomfield, Perry Co.
1900	SEITZ, DANIEL S.....	Harrisburg, Dauphin Co.
1914	SHAFFER, W. E.....	Renova, Clinton Co.
1902	SHAPLEY, E. COOPER.....	Philadelphia.
1896	SHARKEY, FRANK P.....	Mauch Chunk, Carbon Co.
1895	SHARPE, WALTER K.....	Chambersburg, Franklin Co.
1901	SHATTUCK, FRANK R.....	Philadelphia.
1896	SHAW, GEORGE E.....	Pittsburgh.
1914	SHERWIN, J. M.....	Erie, Erie Co.
1906	SHICK, ROBERT P.....	Philadelphia.
1895	SHIELDS, A. S. L.....	"
1895	SHIELDS, JAMES M.....	Pittsburgh.
1896	SHIRAS, W. K.....	"
1895	SHIRK, HOWARD C.....	Lebanon, Lebanon Co.
1908	SHOEMAKER, HARRY J.....	Doylestown, Bucks Co.
1895	SHOEMAKER, HOMER.....	Harrisburg, Dauphin Co.
1899	SHOEMAKER, WILLIAM H...	Philadelphia.
1909	SHOMO, WILLIAM ALFRED...	Reading, Berks Co.
1895	SHOPP, JOHN H.....	Harrisburg, Dauphin Co.
1895	SHOYER, FREDERICK J.....	Philadelphia.
1907	SHREVE, MILTON W.....	Erie, Erie Co.
1904	SHULL, S. E.....	Stroudsburg, Monroe Co.
1914	SICKEL, HOWARD S. J.....	Philadelphia.
1914	SIEBENECK, H. K.....	Pittsburgh.
1895	SIMPSON, ALEX., JR.....	Philadelphia.
1902	SINN, JOSEPH A.....	Scranton, Lackawanna Co.
1904	SINNICKSON, CHARLES.....	Philadelphia.
1902	SISSON, A. E.....	Erie, Erie Co.
1914	SKINNER, WILLIAM A.....	Susquehanna, Susquehanna Co.
1912	SLACK, JOHN C.....	Pittsburgh.
1902	SLATTERY, JOSEPH A.....	Philadelphia.
1895	SMALL, CHRISTIAN A.....	Bloomsburg, Columbia Co.
1895	SMEAD, A. D. BACHE.....	Carlisle, Cumberland Co.
1899	SMITH, A. B., JR.....	Montrose, Susquehanna Co.
1895	SMITH, ALFRED PERCIVAL...	Philadelphia.
1895	SMITH, ALLISON O.....	Clearfield, Clearfield Co.
1895	SMITH, EDWIN W.....	Pittsburgh.
1895	SMITH, EDWIN Z.....	"
1901	SMITH, EUGENE G.....	Lancaster, Lancaster Co.
1895	SMITH, LEWIS LAWRENCE..	Philadelphia.

Year of
Admission

1902	SMITH, R. STUART.....	Philadelphia.	
1904	SMITH, THOMAS KILBY....	"	
1895	SMITH, WALTER GEORGE....	"	
1895	SMITH, WILLIAM RUDOLPH.	"	
1899	SMITHERS, WILLIAM W....	"	
1902	SMYTH, DAVID J.....	"	
1905	SMYTH, WILLIAM J.....	"	
1895	SNYDER, EUGENE.....	Harrisburg,	Dauphin Co.
1903	SNYDER, JOHN E.....	Hershey,	Lebanon Co.
1897	SNYDER, J. FRANK.....	New York City.	
1914	SOBEL, ISADOR	Erie,	Erie Co.
1910	SOBERNHEIMER, FRED. A....	Philadelphia.	
1898	SOLLY, WILLIAM F.....	Norristown,	Montgomery Co.
1910	SPALDING, HENRY	Philadelphia.	
1895	SPARHAWK, JOHN, JR.....	"	
1910	SPEER, PETER M.	Oil City.	Venango Co.
1895	SPROUT, CLARENCE E.....	Williamsport,	Lycoming Co.
1895	STAAKE, WILLIAM H.....	Philadelphia.	
1904	STAAKE, WILLIAM W.....	"	
1895	STADTFELD, JOSEPH.....	Pittsburgh.	
1895	STAMM, A. CARSON.....	Harrisburg,	Dauphin Co.
1895	STAPLES, CHARLES B.....	Stroudsburg,	Monroe Co.
1908	STAUFFER, RANDOLPH	Reading,	Berks Co.
1895	STEELE, H. J.....	Easton,	Northampton Co
1914	STEIN, GEORGE H.....	Philadelphia.	
1911	STEININGER, CLOYD.....	Lewisburg,	Union Co.
1914	STENGEL, GEORGE H.....	Pittsburgh.	
1895	STENGER, WILLIAM S.....	Philadelphia.	
1914	STERLING, PHILIP	"	
1914	STERN, ISADORE	"	
1895	STERRETT, JAMES R.....	Pittsburgh.	
1900	STEVENS, WILLIAM KERPER.	Reading,	Berks Co.
1909	STEWART, DANIEL A.....	Philadelphia.	
1896	STEWART, JOHN.....	Chambersburg,	Franklin Co.
1895	STEWART, RUSSELL C.....	Easton,	Northampton Co.
1895	STEWART, W. F. BAY.....	York,	York Co.
1902	STEWART, WILLIAM M., JR.	Philadelphia.	
1910	STOCKWELL, HERBERT G....	"	
1895	STOEVER, WILLIAM C.....	"	
1911	STONECIPHER, FRANK W....	Pittsburgh.	
1910	STOTZ, ROBERT A.....	Easton,	Northampton Co.
1899	STRAUSS, S. J.....	Wilkes Barre,	Luzerne Co.
1895	STRAWBRIDGE, JOSEPH R....	York,	York Co.
1901	STRITE, J. A.....	Chambersburg,	Franklin Co.

Year of
Admission

1904	STROH, CHARLES C.....	Harrisburg,	Dauphin Co.
1910	STRONG, JOHN M.	Philadelphia.	
1908	STUART, ROBERT L.....	Allentown,	Lehigh Co.
1907	STURGEON, DANIEL.....	Uniontown,	Fayette Co.
1911	STURGIS, WILLIAM J.	"	"
1896	STUTZBACH, MARTIN H.....	Philadelphia.	
1909	SULLIVAN, J. AUSTIN.....	Altoona,	Blair Co.
1910	SUTTON, ISAAC C.	Philadelphia.	
1908	SUTTON, ROBERT WOODS	Pittsburgh.	
1904	SWARTLEY, FRANCIS K.....	Philadelphia.	
1905	SWARTLEY, JOHN C.....	Doylestown,	Bucks Co.
1899	SWARTZ, AARON S.....	Norristown,	Montgomery Co.
1896	SWEARINGEN, J. M.....	Pittsburgh.	
1903	SWOOPÉ, ROLAND D.....	Curwensville,	Clearfield Co.
1913	TAIT, EDGAR W.	Bradford,	McKean Co.
1902	TAIT, EDWIN E.....	"	"
1910	TALBOT, WALTER S.	West Chester,	Chester Co.
1900	TAULANE, JOSEPH H.....	Philadelphia.	
1895	TAYLOR, CARTER BERKELEY..	"	
1902	TAYLOR, JOSEPH T.....	"	
1914	TAYLOR, ROBERT S.....	Bethlehem,	Northampton Co.
1902	TAYLOR, SAMUEL J.....	Philadelphia.	
1902	TEMPLETON, ALEXANDER M.	Washington,	Washington Co.
1895	TERRY, CHARLES E.....	Tunkhannock,	Wyoming Co.
1902	THOLE, FRANCIS H.....	Philadelphia.	
1914	THOMAS, JOHN W.....	Pittsburgh.	
1896	THOMAS, SAMUEL HINDS..	Philadelphia.	
1904	THOMPSON, A. M.....	Pittsburgh.	
1900	THOMPSON, HENRY C., JR..	Philadelphia.	
1898	THOMPSON, J. WHITAKER..	"	
1900	THOMPSON, S. HARVEY....	Pittsburgh.	
1914	THOMPSON, W. L. SCOTT...	Erie,	Erie Co.
1896	THORPE, CHARLES M.....	Pittsburgh.	
1911	TINKER, H. G.....	"	
1896	TODD, HENRY C.....	"	
1895	TODD, M. HAMPTON.....	Philadelphia.	
1896	TORREY, JAMES H.....	Scranton,	Lackawanna Co.
1914	TORRY, L. E.....	Erie,	Erie Co.
1897	TOWNSEND, J. B., JR.....	Philadelphia.	
1900	TRACEY, HENRY M.....	"	
1912	TREMBATH, WILLIAM J.....	Wilkes Barre,	Luzerne Co.
1913	TRENT, EDMUND K.	Pittsburgh.	
1899	TRENLER, FRANK M.....	Allentown,	Lehigh Co.
1895	TRICKETT, WILLIAM.....	Carlisle,	Cumberland Co.
1907	TRIMBLE, THOMAS P.....	Allegheny City,	Allegheny Co.

Year of
Admission

1902	TURNER, WILLIAM J.....	Philadelphia.	
1900	TUSTIN, ERNEST L.....	"	
1895	UHL, JOHN H.....	Somerset,	Somerset Co.
1912	ULRICH, JOHN O.....	Tamaqua,	Schuylkill Co.
1895	UMBEL, ROBERT E.....	Uniontown,	Fayette Co.
1907	VAILL, EDWARD B.....	Pittsburgh.	
1906	VALE, RUBY R.....	Philadelphia.	
1913	VANARTSDALEN, ISAAC J. ..	Doylestown,	Bucks Co.
1902	VANDERSLOOT, JOHN E.....	York,	York Co.
1895	VAN DUSEN, GEORGE R.....	Philadelphia.	
1896	VAN HORN, CHARLES F....	"	
1914	VAN SCOTEN, CHARLES L....	Montrose,	Susquehanna Co.
1899	VON MOSCHZISKER, ROBERT.	Philadelphia.	
1909	WAGNER, GEORGE W.....	Reading,	Berks Co.
1907	WALKER, W. HARRISON....	Bellefonte,	Centre Co.
1908	WALKER, WINFIELD S.....	Philadelphia.	
1902	WALLACE, WILLIAM S.....	"	
1897	WALLACE, WILLIAM D.....	New Castle,	Lawrence Co.
1901	WALLER, LEVI E.....	Wilkes Barre,	Luzerne Co.
1900	WALLING, EMORY A.....	Erie,	Erie Co.
1912	WALNUT, T. HENRY	Philadelphia.	
1895	WALTER, CHARLES.....	Chambersburg,	Franklin Co.
1895	WALTON, DANIEL S.....	Waynesburg,	Greene Co.
1914	WANNER, NEVIN M.....	York,	York Co.
1895	WARREN, EVERETT.....	Scranton,	Lackawanna Co.
1913	WARWICK, NELSON D.	Philadelphia.	
1905	WASSON, HENRY GRANT....	Pittsburgh.	
1902	WATERS, ASA WILSON	Cambridge, Mass.	Philadelphia.
1895	WATRES, LOUIS ARTHUR....	Scranton,	Lackawanna Co.
1895	WATSON, D. T.....	Pittsburgh.	
1900	WATTERSON, A. V. D.....	"	
1896	WAY, WILLIAM A.....	"	
1896	WEAVER, JOHN.....	Philadelphia.	
1895	WEIDMAN, GRANT.....	Lebanon,	Lebanon Co.
1914	WEIGLE, WILLIAM H.....	Oil City,	Venango Co.
1904	WEIL, ARTHUR E.....	Philadelphia.	
1895	WEIL, A. LEO.....	Pittsburgh.	
1895	WEIMER, ALBERT B.....	Philadelphia.	
1900	WEISS, JOHN FOX.....	Harrisburg,	Dauphin Co.
1914	WELCH, WALTER	Clearfield,	Clearfield Co.
1910	WELLER, JOHN S.	Pittsburgh.	
1895	WELLES, CHARLES H.....	Scranton,	Lackawanna Co.
1910	WESLEY, CHARLES S.	Philadelphia.	
1901	WETHERILL, JOHN LAW-		
	RENCE.....	"	

Year of
Admission

1895	WETZEL, JOHN W.....	Carlisle,	Cumberland Co.
1895	WHITE, ELIAS H.....	Philadelphia.	
1902	WHITE, JOHN J.....	Atlantic City, N. J.	
1903	WHITE, THOMAS RAEBURN.	Philadelphia.	
1895	WHITE, WILLIAM, JR.....	"	
1897	WHITEHEAD, HARVEY W...	Williamsport,	Lycoming Co.
1895	WHITTELSEY, E. L.....	Erie,	Erie Co.
1911	WHITTEN, CHARLES E.....	Greensburg,	Westmoreland Co.
1895	WICKERSHAM, FRANK B...	Harrisburg,	Dauphin Co.
1913	WIEST, ALLEN C.	York,	York Co.
1895	WILCOX, WILLIAM A.....	Scranton,	Lackawanna Co.
1896	WILER, ALFRED DAY.....	Philadelphia.	
1900	WILEY, J. A.....	Washington,	Washington Co.
1914	WILKIN, A. D.....	Pittsburgh.	
1907	WILLARD, WALTER.....	Philadelphia.	
1899	WILLIAMS, A. L.....	Wilkes Barre,	Luzerne Co.
1897	WILLIAMS, ANDREW G....	Butler,	Butler Co.
1899	WILLIAMS, IRA JEWELL....	Philadelphia.	
1895	WILLIAMS, J. HENRY.....	"	
1904	WILLIAMS, PARKER S.....	"	
1896	WILLIAMS, SMYSER.....	York,	York Co.
1904	WILLIAMS, THOMAS S....	Philadelphia.	
1912	WILLIS, PAUL	Carlisle,	Cumberland Co.
1897	WILSON, HENRY I.....	Big Run,	Jefferson Co.
1907	WILSON, JOSEPH R.....	Philadelphia.	
1901	WILSON, W. C.....	"	
1895	WINTERNITZ, B. A.....	New Castle,	Lawrence Co.
1895	WINTERSTEEN, A. H.....	Philadelphia.	
1905	WISHART, WILLIAM W....	Pittsburgh.	
1910	WOLFE, GEORGE E.	Johnstown,	Cambria Co.
1899	WOLFF, OTTO.....	Philadelphia.	
1908	WOOD, CLEMENT B.....	"	
1895	WOODRUFF, CLINTON ROGERS.	"	
1897	WOODS, CYRUS E.....	Greensburg,	Westmoreland Co.
1895	WOODS, JOSEPH M.....	Lewistown,	Mifflin Co.
1911	WOODWARD, GRAHAM C....	Philadelphia.	
1898	WOODWARD, J. B.....	Wilkes Barre,	Luzerne Co.
1899	WRIGHT, GEORGE R.....	"	"
1914	WRIGHT, GIFFORD K.....	Pittsburgh.	
1895	YERKES, HARMAN	Doylestown,	Bucks Co.
1904	YOST, DONALD H.....	York,	York Co.
1901	YOUNG, SYDNEY	Philadelphia.	
1904	ZIEGLER, CHARLES F.....	"	
1908	ZIEGLER, FRANK E.....	Harrisburg,	Dauphin Co.
1911	ZIMMERMAN, S. R.	Lancaster,	Lancaster Co.
1898	ZUG, CHARLES K.....	Philadelphia.	

LIST OF MEMBERS DECEASED SINCE ORGANIZATION OF ASSOCIATION

Year of Admission		
1895	WEIDMAN, GRANT.....	Lebanon, Died November, 1895.
1895	ORR, GRIER C.....	" November 17, 1895.
1895	WIREMAN, HENRY D.....	" May 30, 1896.
1895	NEILL, SAMUEL T.....	" August, 1896.
1895	TITUS, HENRY C.....	" August 10, 1896.
1895	RATHBUN, GEORGE A.....	" September 18, 1896.
1895	SCOTT, HON. JOHN.....	" December, 1896.
1895	MARSHALL, F. F.....	" February, 1897.
1896	LANDIS, HON. AUG. S.....	" April, 1897.
1895	BRADEN, J. M.....	" April 17, 1897.
1895	BIDDLE, HON. GEORGE W.....	" April 29, 1897.
1896	WADDELL, HON. WILLIAM B...	" June 3, 1897.
1895	HALL, HON. LOUIS W.....	" July 12, 1897.
1895	MONAGHAN, R. JONES.....	" October 1, 1897.
1895	AMMERMAN, HON. LEMUEL....	" October 7, 1897.
1895	DAVIS, J. ALTON.....	" November 19, 1897.
1895	VALENTINE, JOHN K.....	" January 16, 1898.
1895	NOYES, HON. CHARLES H.....	" February 24, 1898.
1897	WICKHAM, HON. JOHN J.....	" June 18, 1898.
1895	PARSONS, HENRY C.....	" November 21, 1898.
1895	CRAIG, SAMUEL S.....	" December 10, 1898.
1897	BREWSTER, HON. F. CARROLL...	" December 30, 1898.
1895	MERRILL, JESSE.....	" January 14, 1899.
1895	NORRIS, A. WILSON.....	" January 15, 1899.
1895	CUSTIS, ALFRED FRANK.....	" March 30, 1899.
1895	KAUFFMAN, ANDREW J.....	" May 19, 1899.
1895	GILKESON, A. WEIR.....	" June 30, 1899.
1895	BURTON, ARTHUR M.....	" July 22, 1899.
1897	ERMENTROUT, HON. DANIEL...	" September 17, 1899.
1895	MILLER, JACOB H.....	" January 26, 1900.
1898	GUNSTER, HON. FREDERICK W.	" January 30, 1900.
1895	ADDICKS, WILLIAM H.....	" February 24, 1900.
1895	ATLEE, WILLIAM AUGUSTUS...	" February 24, 1900.
1895	VAIL, LEWIS W.....	" March 21, 1900.
1895	METZGER, JOHN J.....	" September 27, 1900.
1895	SLAGLE, HON. JACOB F.....	" September, 1900.
1895	EWING, DAVID Q.....	" October 1, 1900.
1895	BARKLEY, CHARLES G.....	" October 10, 1900.
1896	WHITE, HON. J. W. F.....	" November 4, 1900.
1895	LYONS, HON. JEREMIAH.....	" November 13, 1900.
1895	ALLINSON, EDWARD P.....	" January 16, 1901.
1895	ROCKWELL, DELOS.....	" February 24, 1901.

Year of Admission		
1895	LAMBERTON, WILLIAM B.....	Harrisburg, Died July 5, 1901.
1896	DARTE, HON. ALFRED.....	Wilkes Barre, " July 21, 1901.
1895	MOORE, ARTHUR.....	Philadelphia, " November, 1901.
1895	HUEY, SAMUEL B.....	" November, 1901.
1896	BINGHAM, ED. D.....	West Chester, " December 28, 1901.
1900	LONG, J. F.....	Doylestown, " January 3, 1902.
1895	SHOEMAKER, R. C.....	Wilkes Barre, " February 17, 1902.
1895	HAMILTON, GEORGE P.....	Pittsburgh.
1895	LOWRY, BENJAMIN H.....	Philadelphia, " April, 1902.
1895	MCCARRELL, L.....	Washington, " April, 1902.
1895	JUNKIN, GEORGE.....	Philadelphia, " April 10, 1902.
1895	MCCORMICK, HON. HENRY C..	Williamsport, " May 26, 1902.
1895	YARDLEY, ROBERT M.....	Doylestown, " December 9, 1902.
1895	SIMONTON, HON. J. W.....	Harrisburg, " February 12, 1903.
1895	DUBOIS, JOHN L.....	Doylestown, " February 12, 1903.
1895	GREENE, CHARLES S.....	Philadelphia, " March 24, 1903.
1895	BOWER, CALVIN M.....	Bellefonte, " April 26, 1903.
1895	ARNOLD, HON. M.....	Philadelphia, " April 24, 1903.
1899	DICKSON, HAZARD.....	" July 13, 1903.
1895	GUILLOU, VICTOR.....	" August 1, 1903.
1899	ASHHURST, ROGER.....	" August, 1903.
1895	GILKESON, HON. B. FRANK....	Bristol, " August 14, 1903.
1901	PLAYFORD, WILLIAM H.....	Uniontown, " September 24, 1903.
1895	BAILEY, HON. JOHN M.....	Huntingdon, " September 27, 1903.
1896	THOMPSON, JOHN M.....	Butler, " September, 1903.
1902	PARMLEE, JAMES O.....	Warren, " September 9, 1903.
1902	STEWART, WILLIAM F.....	Brookville, " November 9, 1903.
1895	MCCONAHY, JOHN G.....	New Castle, " November 29, 1903.
1902	ALLSHOUSE, CHARLES E.....	Monessen, " December 3, 1903.
1895	ESHLEMAN, B. FRANK.....	Lancaster, " December 17, 1903.
1895	NEALE, HON. JAMES B.....	Kittanning, " December 31, 1903.
1895	MEANS, GEORGE W.....	Brookville, " February 16, 1904.
1899	DUNCAN, JOHN F.....	Lewisburg, " February 18, 1904.
1902	GORMAN, JOSEPH A.....	Philadelphia, " April, 1904.
1895	DALE, RICHARD C.....	" May 22, 1904.
1895	GREW, WILLIAM.....	" June 10, 1904.
1895	DETWEILER, MEADE D.....	Harrisburg, " June 18, 1904.
1895	HART, THOMAS, JR.....	Philadelphia, " July 29, 1904.
1904	SMITHERS, ELIAS P.....	" September 16, 1904.
1904	CORSS, D. CHARLES.....	Lock Haven, " November 29, 1904.
1895	BIERY, JAMES S.....	Allentown, " December 5, 1904.
1895	ALLEN, HON. GEORGE A.....	Erie, " February 26, 1905.
1899	WEAVER, P. V.....	Hazleton, " March 28, 1905.
1895	WHITE, RICHARD P.....	Philadelphia, " May 22, 1905.
1900	SMITH, FRANK W.....	Pittsburgh, " June 14, 1905.

Year of
Admission

1899	MCCUTCHEON, J. L.....	Pittsburgh,	Died July 16, 1905.
1897	ROMMEL, J. MARTIN.....	Philadelphia,	" August 18, 1905.
1895	LANDIS, JOHN B.....	Carlisle,	" October 31, 1905.
1895	WEISS, HON. JOHN H.....	Harrisburg,	" November 22, 1905.
1895	HOBSON, F. G.....	Norristown,	" January 10, 1906.
1902	HARTRANFT, FRANK A.....	Philadelphia,	" January 18, 1906.
1895	HENDERSON, HON. ROBERT M..	Carlisle,	" January 29, 1906.
1895	SHAPLEY, RUFUS E.....	Philadelphia,	" February 11, 1906.
1905	LITTLE, HON. ROBERT R.....	Bloomsburg,	" February 26, 1906.
1895	SCOTT, WILLIAM.....	Pittsburgh,	" February 27, 1906.
1897	WOODWARD, HON. STANLEY....	Wilkes Barre,	" March 29, 1906.
1895	WHITE, JOHN NEWTON.....	Pittsburgh,	" March 29, 1906.
1895	DAVIS, HON. G. HARRY.....	Philadelphia,	" April 18, 1906.
1901	COLVILLE, ARTHUR.....	"	" April 19, 1906.
1900	TODD, A. M.....	Washington,	" May 7, 1906.
1895	MAYER, HON. CHARLES A....	Lock Haven,	" May 18, 1906.
1896	MILLAR, ALBERT.....	Harrisburg,	" May 22, 1906.
1895	MERCER, GEORGE G.....	Philadelphia.	" May 28, 1906.
1903	BYLES, JULIUS.....	Titusville,	" June 19, 1906.
1895	BISPHAM, GEORGE TUCKER....	Philadelphia,	" July 28, 1906.
1896	HANNA, HON. WILLIAM B....	"	" August 4, 1906.
1901	GEHR, HASTINGS.....	Chambersburg,	" August 31, 1906.
1895	MULLIN, EUGENE.....	Bradford,	" September 16, 1906.
1904	WAGNER, CHARLES M.....	Philadelphia,	" March 6, 1906.
1902	KISER, HARVEY S.....	Doylestown.	" December 10, 1906.
1904	KOCHERSPERGER, CLAYTON H....	Philadelphia.	" November 25, 1906.
1895	MEREDITH, WILLIAM M.....	"	" November 11, 1906.
1897	SECHLER, WILLIAM H.....	Ebensburg,	" December 30, 1906.
1902	VANDERSLICE, THADDEUS L....	Philadelphia,	" January 26, 1907.
1900	SHEEHAN, PATRICK C.....	Conneautville,	" February 24, 1907.
1902	ASHTON, J. HUBLEY.....	Wash'gton, D.C.	" March 14, 1907.
1895	FREEDLEY, ANGELO T.....	Philadelphia,	" May 19, 1907.
1895	HERRIOTT, THOMAS.....	Pittsburgh,	" May 9, 1907.
1900	SPROUL, JAMES W.....	Erie,	" June 9, 1907.
1895	CAPP, HON. THOMAS H.....	Harrisburg,	" July 3, 1907.
1897	MCCORMICK, EDWARD B.....	Greensburg,	" March 18, 1907.
1896	RIDDLE, GEORGE D.....	Pittsburgh,	" March 28, 1907.
1907	PATTERSON, ALEX. A.....	"	" December 3, 1907.
1895	NORTH, HON. HUGH M.....	Lancaster,	" December 20, 1907.
1897	LEE, HON. JAMES W.....	Pittsburgh,	" May 11, 1908.
1904	WARD, JOHN A.....	Philadelphia,	" July 18, 1908.
1899	MELICK, LEONI.....	"	" August 24, 1908.
1899	INNES, R. H.....	"	" September, 1908.
1901	STRAWBRIDGE, WILLIAM C.....	"	" September 20, 1908.
1901	REYNOLDS, ROSS.....	Kittanning.	" October 1, 1908.

Year of
Admission

1895	BUCHER, JOSEPH C.....	Lewisburg,	Died	October 17, 1908.
1900	PETTIT, SILAS W.....	Philadelphia,	"	November 11, 1908.
1895	McLOUGHLIN, EDWARD D.....	"	"	February 1, 1909.
1902	JENKS, GEORGE A.....	Newton,	"	April 2, 1909.
1902	KNITTEL, CHARLES	Philadelphia,	"	April 21, 1909.
1895	CLARK, JOHN A.....	"	"	May 5, 1909.
1908	CARTER, CHARLES GIBBS.....	Pittsburgh,	"	May 14, 1909.
1895	LEASON, MIRVEN F.....	Kittanning,	"	May, 1909.
1895	HART, GAVIN W.....	Philadelphia,	"	June 12, 1909.
1908	RICKERT, J. EDWARD	"	"	June 22, 1909.
1897	BAKEWELL, THOMAS W.....	Pittsburgh,	"	July 7, 1909.
1896	WAITNIGHT, HARRY P.....	Phoenixville,	"	August 18, 1909.
1895	THOMPSON, HON. SAMUEL G....	Philadelphia,	"	September 10, 1909.
1899	FOSTER, HON. CHARLES D....	Wilkes Barre,	"	September 28, 1909.
1895	LEISENRING, J. L.....	Altoona,	"	January 23, 1910.
1897	WATTS, EDWARD B.	Carlisle,	"	February 20, 1910.
1895	WILLARD, HON. E. N.....	Scranton,	"	March 2, 1910.
1895	ROGERS, JOHN I.....	Philadelphia,	"	March 13, 1910.
1895	MILLER, N. DuBOIS.....	"	"	March 14, 1910.
1905	GREEN, HORACE P.....	Media,	"	April 4, 1910.
1895	McCAULEY, C. H.....	Ridgway,	"	April 15, 1910.
1901	GOBIN, HON. J. P. S.....	Lebanon,	"	May 1, 1910.
1900	EHRGOOD, HON. ALLEN W.....	"	"	May 20, 1910.
1902	KELLY, ROBERT B.....	Philadelphia,	"	May 20, 1910.
1910	HALLAHAN, JOHN W., 3d.....	"	"	July 1, 1910.
1895	JOHNSON, WILLIAM F.....	"	"	July 26, 1910.
1896	PEALE, HON. S. R.....	Lock Haven,	"	August 2, 1910.
1895	BROWN, A. M.....	Pittsburgh,	"	August 17, 1910.
1909	RODDY, GEORGE BLACK.....	New Bloomfield,	"	September 5, 1910.
1903	McFADDEN, HARRY A.....	Hollidaysburg,	"	September 15, 1910.
1895	WOLVERTON, S. P.....	Sunbury,	"	October 25, 1910.
1895	KEATOR, JOHN F.	Philadelphia,	"	November 17, 1910.
1897	HOYT, HON. HENRY M....	Washington, D. C.	"	November 20, 1910.
1907	ULRICH, ALEX N.....	Catasauqua,	"	December 29, 1910.
1895	ASHHURST, RICHARD L.	Philadelphia,	"	February, 1911.
1895	ALRICKS, LEVI B.	Harrisburg,	"	February, 1911.
1902	FOUST, ELLIS E.	Chambersburg,	"	February 23, 1911.
1896	McCleave, Johns.....	Pittsburgh,	"	March 14, 1911.
1909	NICOLLS, FREDERICK W.	Reading,	"	May 16, 1911.
1899	ELLIOT, FRANK S.....	Philadelphia.	"	May, 1911.
1895	ANDRE, JOHN K.....	Philadelphia,	"	June 11, 1911.
1895	HOSTETTER, ABRAHAM F.....	Lancaster,	"	June 15, 1911.
1897	KOONTZ, W. H.....	Somerset,	"	July 4, 1911.
1895	PERKINS, EDWARD L.....	Philadelphia,	"	August 4, 1911.
1895	WISTER, WILLIAM ROTCH	"	"	August 21, 1911.

Year of Admission		
1905	O'CONNOR, JAMES B.....	Johnstown, Died September 8, 1911.
1895	LLOYD, HON. WILLIAM PENN.....	Mechanicsburg, " September 20, 1911.
1895	BOYD, A. D.	Uniontown, " October 5, 1911.
1902	SCHALCK, A. W.	Pottsville, " October 26, 1911.
1900	PETTY, ROBERT B.	Pittsburgh, " November 23, 1911.
1895	BOYD, PETER	Philadelphia, " December 9, 1911.
1895	LEAMING, THOMAS	" " December 14, 1911.
1895	MORRIS, WILLIAM	" " January 9, 1912.
1900	SHAFER, NOAH W.	Pittsburgh, " January 24, 1912.
1895	McKENNAN, JOHN D.	" " February 2, 1912.
1895	TERRY, HENRY C.	Philadelphia, " February 14, 1912.
1895	SMILEY, HON. CHARLES H.	New Bloomfield, " March 18, 1912.
1896	REID, ALFRED P.	West Chester, " March 28, 1912.
1895	KENNY, CHARLES B.	Pittsburgh, " April 1, 1912.
1895	HARRITY, HON. WILLIAM F.	Philadelphia, " April 17, 1912.
1903	McELROY, ROBERT T.	Pittsburgh, " May 20, 1912.
1896	HIPPLE, T. C.	Lock Haven, " June 12, 1912.
1895	MAXWELL, ROBERT D.	Philadelphia, " June 13, 1912.
1895	MURPHY, ROBERT S.	Johnstown, " June 24, 1912.
1903	HINDMAN, WILLIAM A.	Clarion, " July 15, 1912.
1895	CORNWELL, GIBBONS GRAY.	West Chester, " August 6, 1912.
1900	STONE, HON. CHARLES W.	Warren, " August 15, 1912.
1895	HAYES, HON. ALFRED.	Lewisburg, " September 19, 1912.
1895	WETHERILL, CHARLES	Philadelphia, " September 20, 1912.
1895	OSMER, JAMES H.	Franklin, " October 3, 1912.
1895	ALEXANDER, HON. W. SCOTT ..	M'Connellsb'g, " December 4, 1912.
1910	SOBERNHEIMER, FRED'K A., JR.	Philadelphia, " January 8, 1913.
1895	PALMER, HON. HENRY W.	Wilkes Barre, " February 15, 1913.
1895	WILSON, HON. HENRY	Honesdale, " March 3, 1913.
1896	SUTTON, HON. W. HENRY	Philadelphia, " March 14, 1913.
1895	MAGILL, HON. EDWARD W.	" " April 20, 1913.
1895	READ, HON. JOHN R.	" " May 2, 1913.
1906	GRANT, JEREMIAH K.	Reading, " May 12, 1913.
1901	MIDDLETON, WILLIAM H.	Harrisburg, " May 31, 1913.
1895	ROWE, HON. D. WATSON	Chambersburg, " July 15, 1913.
1895	OLMSTED, HON. MARLIN E. ...	Harrisburg, " July 19, 1913.
1895	MITCHELL, EHRMAN B.	" " August 2, 1913.
1896	HALL, EDWARD H.	Media, " August 27, 1913.
1898	McCALL, HON. JAMES ST. CLAIR	York, " October 2, 1913.
1895	MINER, SIDNEY R.	Wilkes Barre, " June 14, 1913.
1913	OSBORNE, HON. ALBERT B.	Erie, " July, 1913.
1903	WEYAND, EDWIN S.	Beaver, " October 19, 1913.
1895	SNODGRASS, ROBERT	Harrisburg, " November 8, 1913.
1906	BLAND, HON. H. WILLIS	Reading, " November 15, 1913.
1895	PUGH, JAMES L.	Somerset, " July 12, 1913.
1901	EVANS, MILLER D.	Pottstown, " October 16, 1913.

Year of
Admission

1897	BLOOD, CYRUS H.....	Brookville,	Died	November 8, 1913.
1904	CAMPBELL, JAMES F.....	Philadelphia,	"	November 26, 1913.
1913	JONES, JOHN R.....	Scranton,	"	December 10, 1913.
1895	ROSE, WILLIAM HORACE.....	Johnstown,	"	December 19, 1913.
1895	TAYLOR, HON. JAMES F.....	Washington,	"	December 19, 1913.
1895	WILTBANK, HON. WILLIAM W.	Philadelphia,	"	January 23, 1914.
1895	BEAVER, HON. JAMES A.....	Bellefonte,	"	January 31, 1914.
1895	CLAPP, B. FRANK.....	Philadelphia,	"	February 11, 1914.
1908	SEYMOUR, WARREN I.....	Pittsburgh,	"	February 16, 1914.
1895	YOUNG, HON. JAMES S.....	"	"	February 25, 1914.
1899	HUNTER, JOHN P.....	"	"	February 28, 1914.
1895	EWING, HON. NATHANIEL.....	Uniontown,	"	March 28, 1914.
1898	HOLLAND, HON. JAMES B.....	Philadelphia,	"	April 24, 1914.
1895	BAER, HON. GEORGE F.....	Reading,	"	April 26, 1914.
1895	HYNEMAN, HON. SAMUEL M..	Philadelphia,	"	May 2, 1914.
1895	GILBERT, HON. LYMAN D.....	Harrisburg,	"	May 4, 1914.
1910	ASH, ISAAC	Oil City,	"	May 9, 1914.
1896	RODGERS, WILLIAM B.....	Pittsburgh,	"	May 25, 1914.
1898	WEAND, HON. HENRY K.....	Norristown,	"	July 30, 1914.
1901	PETTIT, HORACE	Philadelphia,	"	August 13, 1914.
1895	HEYDRICK, HON. CHRISTOPHER.	Franklin,	"	October 10, 1914.
1909	KIRKPATRICK, SAMUEL H.....	Philadelphia,	"	October 30, 1914.

OFFICERS FOR THE YEAR 1914-1915**PRESIDENT**

HENRY J. STEELE, Northampton.

VICE-PRESIDENTS

ROBERT W. IRWIN, Washington.

HAROLD M. McCLURE, Union.

S. J. STRAUSS, Luzerne.

LOUIS RICHARDS, Berks.

WILLIAM H. KELLER, Lancaster.

SECRETARY

WILLIAM H. STAAKE, Philadelphia.

TREASURER

SAMUEL E. BASEHORE, Cumberland.

(Mechanicsburg, Pa.)

EXECUTIVE COMMITTEE

FREDERICK J. SHOYER, Philadelphia, *Chairman*.

O. B. DICKINSON, Delaware.

A. L. COLE, Clearfield.

W. A. CHALLENGER, Allegheny.

W. RUSH GILLAN, Franklin.

ROBERT A. STOTZ, Northampton.

ALBERT W. JOHNSON, Union.

CASPER DULL, Dauphin.

PETER M. SPEER, Venango.

CLARENCE E. SPROUT, Lycoming.

HAROLD B. BEITLER, Philadelphia.

A. B. SMITH, JR., Susquehanna.

DON ROSE, Allegheny.

PAUL BEDFORD, Luzerne.

JOHN S. RILLING, Erie.

HOWARD W. PAGE, Philadelphia.

AGNEW HICE, Beaver.

EMERSON J. CLEVELAND, Bradford.

MICHAEL S. NILES, York.

THOMAS H. GREEVY, Blair.

JOHN M. RHEY, Cumberland.

STANDING COMMITTEES**COMMITTEE ON LAW REFORM**

WILLIAM U. HENSEL, Lancaster, Lancaster County, *Chairman*.
ROBERT RALSTON, Philadelphia.
HENRY C. NILES, York.
HAMPTON L. CARSON, Philadelphia.
C. LARUE MUNSON, Lycoming.
WILLIAM I. SCHAFFER, Delaware.
G. A. ENDLICH, Berks.
EDWARD W. BIDDLE, Cumberland.
THOMAS J. BALDRIGE, Blair.
JOHN D. DORRIS, Huntingdon.
GEORGE CALVERT LEWIS, Allegheny.

COMMITTEE ON ADMISSIONS

GEORGE WENTWORTH CARR, Philadelphia, *Chairman*.
JOHN W. WETZEL, Carlisle, Cumberland County, *Secretary*.
ALBERT D. MACDADE, Delaware.
JOHN M. STRONG, Philadelphia.
RICHMOND L. JONES, Berks.
GEORGE M. HOSACK, Allegheny.
G. ROSS ESHLEMAN, Lancaster.
WALTER L. HILL, Lackawanna.
WATSON R. DAVISON, Franklin.

COMMITTEE ON GRIEVANCES

CYRUS G. DERR, Reading, Berks County, *Chairman*.
FRANK C. MCGIRR, Allegheny.
HARMAN YERKES, Bucks.
ALEX. SIMPSON, JR., Philadelphia.
R. F. HOPWOOD, Fayette.

COMMITTEE ON UNIFORM STATE LAWS

WILLIAM M. HARGEST, Harrisburg, Dauphin County, *Chairman*.
CYRUS E. WOODS, Westmoreland.
WILLIAM D. CROCKER, Lycoming.

COMMITTEE ON LEGAL EDUCATION

One from each Judicial District

1st. <i>Philadelphia,</i>	FRANCIS H. BOHLEN, <i>Chairman.</i>
2nd. <i>Lancaster,</i>	WM. H. KELLER, Lancaster.
3rd. <i>Northampton,</i>	HENRY D. MAXWELL, Easton.
4th. <i>Tioga,</i>	H. F. MARSH, Wellsboro.
5th. <i>Allegheny,</i>	JOSIAH COHEN, Pittsburgh.
6th. <i>Erie,</i>	A. E. SISSON, Erie.
7th. <i>Bucks,</i>	JOHN C. SWARTLEY, Doylestown, <i>Secretary.</i>
8th. <i>Northumberland,</i>	HARRY S. KNIGHT, Sunbury.
9th. <i>Cumberland,</i>	WILLIAM TRICKETT, Carlisle.
10th. <i>Westmoreland,</i>	JOHN B. HEAD, Greensburg.
11th. <i>Luzerne,</i>	GEORGE R. BEDFORD, Wilkes Barre.
12th. <i>Dauphin,</i>	FRANK M. EASTMAN, Harrisburg.
13th. <i>Greene,</i>	WILLIAM J. KYLE, Waynesburg.
14th. <i>Fayette,</i>	WM. J. STURGIS, Uniontown.
15 h. <i>Chester,</i>	WALTER S. TALBOT, West Chester.
16th. <i>Somerset,</i>	EDMUND E. KIERNAN, Somerset.
17th. <i>Union and Snyder,</i>	ALBERT W. JOHNSON, Lewisburg.
18th. <i>Clarion,</i>	HARRY R. WILSON, Clarion.
19th. <i>York,</i>	JOHN L. ROUSE, York.
20th. <i>Huntingdon, Bedford and Mifflin,</i>	DONALD CRESS REILEY, Bedford.
21st. <i>Schuylkill,</i>	GEORGE M. ROADS, Pottsville.
22nd. <i>Wayne,</i>	HOMER GREENE, Honesdale.
23rd. <i>Berks,</i>	WILLIAM KERPER STEVENS, Reading.
24th. <i>Blair,</i>	THOMAS H. GREEVY, Altoona.
25th. <i>Clinton, Cameron and Elk,</i>	FRED. H. ELY, Ridgway.
26th. <i>Columbia and Montour,</i>	CHRISTIAN A. SMALL, Bloomsburg.
27th. <i>Washington,</i>	ANDREW M. LINN, Washington.
28th. <i>Venango,</i>	JOHN L. NESBIT, Franklin.
29th. <i>Lycoming,</i>	CLARENCE E. SPROUT, Williamsport.
30th. <i>Crawford,</i>	JOHN J. HENDERSON, Meadville.
31st. <i>Lehigh,</i>	GEORGE W. AUBREY, Allentown.
32nd. <i>Delaware</i>	GEORGE T. BUTLER, Media.
33rd. <i>Armstrong,</i>	JOHN H. PAINTER, Kittanning.
34th. <i>Susquehanna,</i>	A. B. SMITH, Jr., Montrose.
35th. <i>Mercer,</i>	E. S. TEMPLETON, Greenville.
36th. <i>Beaver,</i>	RICHARD S. HOLT, Beaver.
37th. <i>Warren and Forest,</i>	WILLIAM HARRISON ALLEN, Warren.
38th. <i>Montgomery,</i>	LOUIS M. CHILDS, Norristown.
39th. <i>Franklin,</i>	D. EDWARD LONG, Fayetteville.
40th. <i>Indiana,</i>	SAMUEL CUNNINGHAM, Indiana.

- 41st. *Juniata and Perry*, WM. N. SEIBERT, New Bloomfield.
 42nd. *Bradford*, JOHN W. CODDING, Towanda.
 43rd. *Monroe and Pike*, CHARLES B. STAPLES, Stroudsburg.
 44th. *Wyoming and Sullivan*, JAMES WILSON PIATT, Tunkhannock.
 45th. *Lackawanna*, FREDERIC W. FLEITZ, Scranton.
 46th. *Clearfield*, A. M. LIVERIGHT, Clearfield.
 47th. *Cambria*, CHARLES C. GREER, Johnstown.
 48th. *McKean*, EDWIN E. TAIT, Bradford.
 49th. *Centre*, W. HARRISON WALKER, Bellefonte.
 50th. *Butler*, ANDREW G. WILLIAMS, Butler.
 51st. *Adams and Fulton*, WM. McSHERRY, Gettysburg.
 52nd. *Lebanon*, SAMUEL T. MEYER, Lebanon.
 53rd. *Lawrence*, WALLACE H. FALLS, New Castle.
 54th. *Jefferson*, W. N. CONRAD, Brookville.
 55th. *Potter*, NO MEMBERS.
 56th. *Carbon*, HORACE HEYDT, Mauch Chunk.

COMMITTEE ON LEGAL BIOGRAPHY

One from each Judicial District

- 1st. *Philadelphia*, T. ELLIOTT PATTERSON, *Secretary*.
 2nd. *Lancaster*, H. FRANK ESHLEMAN, Lancaster.
 3rd. *Northampton*, RUSSELL C. STEWART, Easton.
 4th. *Tioga*, H. F. MARSH, Wellsboro.
 5th. *Allegheny*, WILLIAM MACRUM, Pittsburgh.
 6th. *Erie*, EMORY A. WALLING, Erie.
 7th. *Bucks*, THOMAS ROSS, Doylestown.
 8th. *Northumberland*, CHARLES M. CLEMENT, Sunbury.
 9th. *Cumberland*, CHARLES P. ADDAMS, Carlisle.
 10th. *Westmoreland*, PAUL H. GAITHER, Greensburg.
 11th. *Luzerne*, GEORGE B. KULP, Wilkes Barre.
 12th. *Dauphin*, A. CARSON STAMM, Harrisburg.
 13th. *Greene*, ALBERT H. SAYERS, Waynesburg.
 14th. *Fayette*, DANIEL STURGEON, Uniontown.
 15th. *Chester*, ISABEL DARLINGTON, West Chester.
 16th. *Somerset*, JOHN H. UHL, Somerset.
 17th. *Union and Snyder*, HAROLD M. McCLURE, Lewisburg.
 18th. *Clarion*, HARRY R. WILSON, Clarion.
 19th. *York*, DONALD H. YOST, York.
 20th. *Huntingdon, Bedford and Mifflin*, GEORGE B. ORLADY, Huntingdon.
 21st. *Schuylkill*, M. M. BURKE, Shenandoah.
 22nd. *Wayne*, ALONZO T. SEARLE, Honesdale.
 23rd. *Berks*, LOUIS RICHARDS, Reading, *Chairman*.

24th. <i>Blair,</i>	C. J. McCULLOUGH, Altoona.
25th. <i>Clinton, Cameron and Elk,</i>	WILSON C. KRESS, Lock Haven.
26th. <i>Columbia and Montour,</i>	A. W. DUY, Bloomsburg.
27th. <i>Washington,</i>	ROBERT W. IRWIN, Washington.
28th. <i>Venango,</i>	PETER M. SPEER, Oil City.
29th. <i>Lycoming,</i>	DON M. LARRABEE, Williamsport.
30th. <i>Crawford,</i>	NED ARDEN FLOOD, Meadville.
31st. <i>Lehigh,</i>	FRANK M. TREXLER, Allentown.
32nd. <i>Delaware,</i>	JOSEPH H. HINKSON, Chester.
33rd. <i>Armstrong,</i>	JOHN H. PAINTER, Kittanning.
34th. <i>Susquehanna,</i>	CHARLES L. VAN SCOTEN, Montrose.
35th. <i>Mercer,</i>	QUINCY A. GORDON, Mercer.
36th. <i>Beaver,</i>	FOREST G. MOORHEAD, Beaver.
37th. <i>Warren and Forest,</i>	WATSON D. HINCKLEY, Warren.
38th. <i>Montgomery,</i>	N. H. LARZELERE, Norristown.
39th. <i>Franklin,</i>	WALTER K. SHARPE, Chambersburg.
40th. <i>Indiana,</i>	JOHN S. FISHER, Indiana.
41st. <i>Junata and Perry,</i>	ROBERT McMEEN, Mifflintown.
42nd. <i>Bradford,</i>	ADELBERT C. FANNING, Towanda.
43rd. <i>Monroe and Pike,</i>	S. E. SHULL, Stroudsburg.
44th. <i>Wyoming and Sullivan,</i>	ALPHONSUS WALSH, Dushore.
45th. <i>Lackawanna,</i>	W. A. WILCOX, Scranton.
46th. <i>Clearfield,</i>	ALLISON O. SMITH, Clearfield.
47th. <i>Cambria,</i>	FRANCIS J. O'CONNOR, Johnstown.
48th. <i>McKean,</i>	J. W. BOUTON, Smethport.
49th. <i>Centre,</i>	ELLIS L. ORVIS, Bellefonte.
50th. <i>Butler,</i>	S. F. BOWSER, Butler.
51st. <i>Adams and Fulton,</i>	WILLIAM McSHERRY, Gettysburg.
52nd. <i>Lebanon,</i>	GRANT WEIDMAN, Lebanon.
53rd. <i>Lawrence,</i>	SAMUEL W. DANA, New Castle.
54th. <i>Jefferson,</i>	GEORGE M. McDONALD, Reynoldsville.
55th. <i>Potter,</i>	NO MEMBERS.
56th. <i>Carbon,</i>	LAIRD H. BARBER, Mauch Chunk.

SPECIAL COMMITTEES

SPECIAL COMMITTEE ON CONTINGENT FEES

JOHN B. COLAHAN, Jr., Philadelphia, *Chairman*.
FRANCIS FISHER KANE, Philadelphia.
JOHN S. RILLING, Erie.
JOHN W. APPEL, Lancaster.
A. LEO WEIL, Allegheny.
S. J. STRAUSS, Luzerne.
ALEX. SIMPSON, Jr., Philadelphia.

SPECIAL COMMITTEE ON REVISION AND UNIFICATION OF THE STATUTES

RUSSELL DUANE, Philadelphia, *Chairman*.
WILLIAM DRAPER LEWIS, Philadelphia.
WILLIAM W. SMITHERS, Philadelphia.
WILLIAM H. MCCLUNG, Allegheny.
JOHN E. FOX, Dauphin.

SPECIAL COMMITTEE ON REFORM IN TOWNSHIP LAW

RODNEY A. MERCUR, Towanda, Bradford County, *Chair'n*.
EDMUND E. KIERNAN, Somerset.
HENRY A. JAMES, Bucks.
EDWIN W. SMITH, Allegheny.
ROWLAND EVANS, Philadelphia.
CHARLES F. DACOSTA, Delaware.
WILLIAM M. HAYES, Chester.

SPECIAL COMMITTEE ON REVISION AND AMENDMENT OF PENAL LAWS

EDWIN M. ABBOTT, Philadelphia, *Chairman*.
E. Z. SMITH, Allegheny.
FRANK W. WHEATON, Luzerne.
JOHN A. NAUMAN, Lancaster.
A. D. McCONNELL, Westmoreland.
JOHN FOX WEISS, Dauphin.
QUINCY A. GORDON, Mercer.

SPECIAL COMMITTEE ON RETURN DAYS IN APPELLATE COURTS

STEVENS HECKSCHER, Philadelphia, *Chairman*.
THOMAS PATTERSON, Allegheny.
ISAAC HIESTER, Berks.
WILLIAM E. RICE, Warren.
GEORGE B. ORLADY, Huntingdon.
WILLIAM H. STAAKE, Philadelphia.
MONTGOMERY EVANS, Montgomery.

SPECIAL COMMITTEE ON INCREASE OF MEMBERSHIP

FREDERICK J. SHOYER, Philadelphia, *Chairman*.
HAROLD B. BEITLER, Philadelphia.
HENRY A. JAMES, Bucks.
CLARENCE E. SPROUT, Lycoming.
W. A. CHALLENGER, Allegheny.

SPECIAL COMMITTEE TO RECEIVE COMPLAINTS AND EVIDENCE
IN SUPPORT OF COMPLAINTS AGAINST CORPORATIONS, &c.,
PRACTICING LAW WITHOUT AUTHORITY

FREDERICK J. SHOYER, Philadelphia, *Chairman*.
NICHOLAS H. LARZELERE, Montgomery.
JOHN A. NAUMAN, Lancaster.
THOMAS PATTERSON, Allegheny.
EMERSON COLLINS, Lycoming.

SPECIAL COMMITTEE ON ADVISABILITY OF REMOVING
THE GRANTING OF LIQUOR LICENSES FROM
THE COURTS

HAROLD M. McCLURE, Lewisburg, Union County, *Chairman*.
GEORGE WHARTON PEPPER, Philadelphia.
THOMAS PATTERSON, Allegheny.
JOHN E. FOX, Dauphin.
WILLIAM U. HENSEL, Lancaster.

**DELEGATES TO AMERICAN BAR ASSOCIATION
AND TO COMPARATIVE LAW BUREAU
OF AMERICAN BAR ASSOCIATION**

DELEGATES TO AMERICAN BAR ASSOCIATION

HAMPTON L. CARSON, Philadelphia.
JOHN S. RILLING, Erie.
J. McF. CARPENTER, Allegheny.

ALTERNATES

DAVID WERNER AMRAM, Philadelphia.
JAMES M. LAMBERTON, Dauphin.
CHARLES M. CLEMENT, Northumberland.

DELEGATES TO COMPARATIVE LAW BUREAU

JOHN B. COLAHAN, Jr., Philadelphia.
WILLIAM N. APPEL, Lancaster.
MEREDITH HANNA, Philadelphia.

ALTERNATES

NICHOLAS M. EDWARDS, Lycoming.
WILLIAM W. SMITHERS, Philadelphia.
ROBERT P. SHICK, Philadelphia.

LIST OF PRESIDENTS

NAME	YEAR	COUNTY
JOHN W. SIMONTON	1895	Dauphin.
SAMUEL DICKSON	1895-1896	Philadelphia.
P. C. KNOX	1896-1897	Allegheny.
WILLIAM U. HENSEL	1897-1898	Lancaster.
STANLEY WOODWARD	1898-1899	Luzerne.
LYMAN D. GILBERT	1899-1900	Dauphin.
WILLIAM SCOTT	1900-1901	Allegheny.
ALEX. SIMPSON, JR.	1901-1902	Philadelphia.
C. LARUE MUNSON	1902-1903	Lycoming.
NATHANIEL EWING	1903-1904	Fayette.
HENRY C. NILES	1904-1905	York.
J. B. COLAHAN, JR.	1905-1906	Philadelphia.
THOMAS PATTERSON	1906-1907	Allegheny.
ROBERT SNODGRASS	1907-1908	Dauphin.
M. HAMPTON TODD	1908-1909	Philadelphia.
GUSTAV A. ENDLICH	1909-1910	Berks.
EDWIN W. SMITH	1910-1911	Allegheny.
GEORGE R. BEDFORD	1911-1912	Luzerne.
GEORGE B. ORLADY	1912-1913	Huntingdon.
HAMPTON L. CARSON	1913-1914	Philadelphia.

LIST OF VICE-PRESIDENTS

NAME	COUNTY	YEAR
W. U. HENSEL	Lancaster.	1895.
J. S. YOUNG	Allegheny.	
ALEX. SIMPSON, JR.	Philadelphia.	
WILLIAM SCOTT	Allegheny.	1895-1896.
ROBERT M. HENDERSON	Cumberland.	
EVERETT WARREN	Lackawanna.	
WILLIAM M. HAYES	Chester.	
S. A. DAVENPORT	Erie.	
RICHARD L. ASHHURST	Philadelphia.	1896-1897.
AUGUSTUS S. LANDIS	Blair.	
A. D. BOYD	Fayette.	
GEORGE F. BAER	Berks.	1897-1898.
WILLIAM N. SEIBERT	Perry.	
J. B. COLAHAN, JR.	Philadelphia.	
WILLIAM J. KOONTZ	Somerset.	
W. RUSH GILLAN	Franklin.	
HENRY C. PARSONS	Lycoming.	
JOHN M. THOMPSON	Butler.	

NAME	COUNTY	YEAR
J. B. COLAHAN, JR.	Philadelphia.	1898-1899.
S. P. WOLVERTON	Northumberland.	
J. A. EVANS	Allegheny.	
SMITH V. WILSON	Clearfield.	
EDWARD J. FOX	Northampton.	
FREDERICK BERTOLETTE	Carbon.	1899-1900.
RICHARD C. DALE	Philadelphia.	
ALEXANDER FARNHAM	Luzerne.	
C. H. McCAULEY	Elk.	
THOMAS PATTERSON	Allegheny.	
WILLIAM H. STAAKE	Philadelphia.	1900-1901.
EMORY A. WALLING	Erie.	
B. FRANK ESHLEMAN	Lancaster.	
HAROLD M. McCLURE	Union.	
ALFRED P. REID	Chester.	
WILLIAM I. SCHAFER	Delaware.	1901-1902.
RICHMOND L. JONES	Berks.	
EDWIN W. SMITH	Allegheny.	
CHARLES E. RICE	Luzerne.	
HENRY C. NILES	York.	
JOHN STEWART	Franklin.	1902-1903.
JOSEPH C. BUCHER	Union.	
J. B. COLAHAN, JR.	Philadelphia.	
CHARLES P. ORR	Allegheny.	
HENRY LEAR	Bucks.	
GEORGE B. ORLADY	Huntingdon.	1903-1904.
RICHARD C. DALE	Philadelphia.	
JAMES R. MACFARLANE	Allegheny.	
HENRY J. STEELE	Northampton.	
GEORGE A. ALLEN	Erie.	
M. HAMPTON TODD	Philadelphia.	1904-1905.
GEORGE B. GORDON	Allegheny.	
ROBERT E. UMBEL	Fayette.	
HENRY K. WEAND	Montgomery.	
J. W. BOUTON	McKean.	
ROBERT S. FRAZER	Allegheny.	1905-1906.
CYRUS E. WOODS	Westmoreland.	
CHARLES W. STONE	Warren.	
MAHLON H. STOUT	Bucks.	
RUSSELL C. STEWART	Northampton.	
SAMUEL W. PENNYPACKER	Montgomery.	1906-1907.
FRANCIS J. O'CONNOR	Cambria.	
FRANK M. TREXLER	Lehigh.	
C. H. McCAULEY	Elk.	
BOYD CRUMRINE	Allegheny.	

LIST OF FORMER OFFICERS

NAME	COUNTY	YEAR
FRANK C. MCGIRR	Allegheny.	1907-1908.
MAHLON H. STOUT	Bucks.	
FRANCIS J. KOOSER	Somerset.	
T. C. HIPPLE	Clinton.	
JOHN A. CLARK	Philadelphia.	1908-1909.
ROBERT S. MURPHY	Cambria.	
HARRY WHITE	Indiana.	
CHARLES B. STAPLES	Monroe.	
CHARLES P. ORR	Allegheny.	1909-1910.
W. SCOTT ALEXANDER	Fulton.	
WILLIAM S. DALZELL	Allegheny.	
D. WATSON ROWE	Franklin.	
RUSSELL C. STEWART	Northampton.	1910-1911.
CHARLES M. CLEMENT	Northumberland.	
JOHN I. ROGERS	Philadelphia.	
W. A. BLAKELEY	Allegheny.	
R. T. CORNWELL	Chester.	1911-1912.
ALLISON O. SMITH	Clearfield.	
ANDREW H. MCCLINTOCK	Luzerne.	
A. MITCHELL PALMER	Monroe.	
PAUL H. GAITHER	Westmoreland.	1912-1913.
A. B. HASSLER	Lancaster.	
HUGH B. EASTBURN	Bucks.	
WILLIAM RIGHTER FISHER	Philadelphia.	
ISAAC ASH	Venango.	1813-1914
JOHN J. HENDERSON	Crawford.	
CHARLES E. TERRY	Wyoming.	
J. MCF. CARPENTER	Allegheny.	
N. H. LARZELERE	Montgomery.	
EDWARD H. BONSALE	Philadelphia.	
WILLIAM D. PORTER	Allegheny.	
JAMES S. MOORHEAD	Westmoreland.	
CHARLES I. LANDIS	Lancaster.	
ISAAC HIESTER	Berks.	
WILLIAM E. RICE	Warren.	

LIST OF SECRETARIES

NAME	
EDWARD P. ALLINSON, Philadelphia.	Elected on organization of Association, January 16, 1895, and served continuously until his death, January 16, 1901.
WILLIAM H. STAAKE, Philadelphia.	Since January, 1901.

LIST OF TREASURERS

NAME

WILLIAM PENN LLOYD, Cumberland. Elected on organization of Association, January 16, 1895, and served continuously until his death, September 20 1911.

SAMUEL E. BASEHORE, Cumberland. Since October 7, 1911

DATES AND PLACES OF ANNUAL MEETINGS

1895	January 16.....	Preliminary Convention,	Harrisburg.
1895	July 10, 11.....	First Annual Meeting,	Bedford Springs.
1896	July 8, 9.....	Second	" " " "
1897	June 30, July 1.....	Third	" " Cresson.
1898	July 7, 8.....	Fourth	" " Delaware Water Gap.
1899	July 6, 7.....	Fifth	" " Wilkes Barre.
1900	June 26, 27, 28.....	Sixth	" " Cambridge Springs.
1901	June 25, 26, 27.....	Seventh	" " Bedford Springs.
1902	June 30, July 1, 2....	Eighth	" " Cambridge Springs.
1903	June 29, 30, July 1...	Ninth	" " " "
1904	June 28, 29, 30.....	Tenth	" " Cape May, N. J.
1905	June 27, 28, 29.....	Eleventh	" " Bedford Springs.
1906	June 26, 27, 28.....	Twelfth	" " " "
1907	June 25, 26, 27.....	Thirteenth	" " " "
1908	June 23, 24, 25.....	Fourteenth	" " Cape May, N. J.
1909	June 29, 30, July 1...	Fifteenth	" " Bedford Springs.
1910	June 28, 29, 30.....	Sixteenth	" " Cape May, N. J.
1911	June 27, 28, 29.....	Seventeenth	" " Bedford Springs.
1912	June 25, 26, 27.....	Eighteenth	" " Cape May, N. J.
1913	June 24, 25, 26.....	Nineteenth	" " " " "
1914	June 30, July 1, 2...	Twentieth	" " Erie.

PRESIDENTS' ADDRESSES

YEAR	NAME	SUBJECT
1895 . . .	JOHN W. SIMONTON	"Pennsylvania Jurisprudence."
1896 . . .	SAMUEL DICKSON	{ "The Development in Pennsylvania of Constitutional Restraints upon the Power and Procedure of the Legislature."
1897 . . .	P. C. KNOX	
1898 . . .	WILLIAM U. HENSEL	{ "The Law of Labor and Trade."
1899 . . .	STANLEY WOODWARD	
1900 . . .	LYMAN D. GILBERT	{ "The Legislature of 1897, as an Illustration of the Decadence of the Legislative Branch of our State Government."
1901 . . .	WILLIAM SCOTT	
1902 . . .	ALEX. SIMPSON, JR.	{ "The Wyoming Valley."
1903 . . .	C. LARUE MUNSON.	
1904 . . .	NATHANIEL EWING	{ "Some Changes in the Law and Their Effect on Lawyers."
1905 . . .	HENRY C. NILES	
1906 . . .	J. B. COLAHAN, JR.	{ "Legislature of 1901."
1907 . . .	THOMAS PATTERSON	
1908 . . .	ROBERT SNODGRASS	{ "Charitable Appropriations and Special Legislation."
1909 . . .	M. HAMPTON TODD	
1910 . . .	GUSTAV A. ENDLICH	{ "The Brotherhood of Bench and Bar."
1911 . . .	EDWIN W. SMITH	
1912 . . .	GEORGE R. BEDFORD	{ "The Ethics of the Legal Profession."
1913 . . .	GEORGE B. ORLADY	
1914 . . .	HAMPTON L. CARSON	{ "Statutory Changes in the State of Public Interest."
		{ "Statutory Changes in the State of Public Interest."
		{ "Legislative Assistance," or, "Some Aspects of Reform in Legislation."
		{ "Statutory Changes in the State of Public Interest."
		{ "The Constitutional Amendments of 1909, with Some Remarks on Current Legislation."
		{ "Law and the Function of Legislation."
		{ "Some Suggested Modifications of the Law."
		{ "Address of the President."
		{ "The Evolution of the Independence of the Judiciary."

ANNUAL ADDRESSES

YEAR	NAME	SUBJECT
1895 . . .	J. NEWTON FIERO	{ "The Work of the Bar Association."
1896 . . .	CORTLANDT PARKER	"Sir Matthew Hale."
1897 . . .	HILARY A. HERBERT	{ "The Supreme Court of the United States and its Functions."
1898 . . .	JOHN V. L. FINDLAY	{ "Some of the International Aspects of the Cuban Question."
1899 . . .	WILLIAM B. HORNBLOWER . . .	{ "Some Legal Problems of the Twentieth Century."
1900 . . .	JOHN K. RICHARDS	{ "The Constitution and the New Territories."
1901 . . .	U. M. ROSE	{ "The Rise of Constitutional Law."
1902 . . .	WILLIAM WIRT HOWE	{ "Jus Gentium and Law Merchant."
1903 . . .	JAMES B. DILL	{ "Some Aspects of New Jersey's Corporate Policy."
1904 . . .	HENRY E. DAVIS	{ "The Law Spirit; Its Source and Its Sway."
1905 . . .	CHARLES A. GARDINER	{ "The Constitutional Powers and Discretion of the President."
1906 . . .	WILLIAM H. TAFT	{ "The Legislature and the Execution of the Laws."
1907 . . .	GEORGE GRAY	"The New Federalism."
1908 . . .	HANNIS TAYLOR	{ "Pelatiah Webster, the Architect of the Constitution."
1909 . . .	AMASA M. EATON	{ "Thomas W. Dorr and The Dorr War in Rhode Island."
1910 . . .	JAMES PENNEWILL	"The Layman and the Law."
1911 . . .	ANDREW J. MONTAGUE	"A More Effective Cabinet."
1912 . . .	WILLIAM D. GUTHRIE	"Constitutional Morality."
1913 . . .	ROBERT C. SMITH, K. C. . . .	{ "The Position and Prospects of the Profession."
1914 . . .	GEORGE W. WICKERSHAM . . .	{ "Government by Administrative Commission, a Democratic Paradox."

PAPERS READ

YEAR	NAME	SUBJECT
1895 . . .	ALEX. SIMPSON, JR.	"The Local Bar Association."
1895 . . .	GEORGE W. PEPPER	"Legal Education."
1896 . . .	WM. B. RODGERS	"The Libel Law."
1897 . . .	JOHN B. MCPHERSON	{ "The Jurisdiction of the Supreme and Superior Courts of Pennsylvania."
1897 . . .	THOMAS PATTERSON	
1898 . . .	GUSTAV A. ENDLICH	{ "The Jurisdiction of the Justice of the Peace and the Possible Application of the Small Debtors' Court on the English Plan."
1898 . . .	WILLIAM DRAPER LEWIS	
1899 . . .	JAMES T. MITCHELL	{ "Proposed Changes in the Law of Expert Testimony."
1900 . . .	TALCOTT WILLIAMS	
1900 . . .	RICHARD C. DALE	{ "The Study of the Common Law."
1901 . . .	RICHARD L. ASHHURST	
1901 . . .	S. W. DANA	{ "Fidelity to the Court and Client in Criminal Cases."
1902 . . .	RICHMOND L. JONES	
1902 . . .	SAMUEL W. COOPER	{ "The Jury System from the Jury Panel."
1902 . . .	JOHN I. ROGERS	
1902 . . .	HENRY J. STEELE	{ "The Obligation of the Legislature as well as of the Judiciary in giving Effect to Constitutional Limitations."
		{ "William Morris Meredith."
		{ "Law and Letters, or Some Reflections on the Relations of our Profession to Literature."
		{ "Business Corporations in Pennsylvania."
		{ "The Abolition of Actions for Breach of Promise of Marriage and Alienation of Affections."
		{ "Military Law and Its Tribunals."
		{ "The Right of the Municipality to Abate a Nuisance on the Streets Without the Preliminary Action of the Courts."

YEAR	NAME	SUBJECT
1903 . . .	THOMAS RAEBURN WHITE . . .	{ "Judicial Oaths and Their Effect Upon the Competency of Witnesses."
1903 . . .	CHARLES WETHERILL	{ "On the Judicial Recording of Titles."
1903 . . .	PAUL H. GAITHER	{ "The Recent Amendments to the Bankruptcy Act of 1898."
1903 . . .	GEORGE W. CARR	{ "Jeremiah S. Black and His Influence upon the Laws of Pennsylvania."
1903 . . .	HENRY C. NILES	{ "The Constitution between Friends."
1903 . . .	HENRY A. FULLER	{ "The Responsive Answer in Equity Considered as Evidence for the Defendant."
1904 . . .	JOHN MARSHALL GEST	{ "The Lawyer."
1904 . . .	N. M. EDWARDS	{ "Municipal Autonomy and Code Limitations."
1904 . . .	LOUIS RICHARDS	{ "The Pennsylvania Bar and Its Influence."
1904 . . .	J. LEVERING JONES	{ "Labor and the Law."
1904 . . .	JAMES H. TORREY	{ "Some Remarks Upon Charging the Jury in a Trial for Murder."
1905 . . .	ROBERT RALSTON	{ "Justice Without Delay."
1905 . . .	IRA JEWELL WILLIAMS	{ "James Buchanan."
1905 . . .	W. RUSH GILLAN	{ "Thaddeus Stevens as a Country Lawyer."
1906 . . .	WILLIAM U. HENSEL	{ "A Philadelphia Lawyer in the London Courts."
1906 . . .	THOMAS LEAMING	{ "Legislation in Pennsylvania."
1906 . . .	CYRUS E. WOODS	{ "Some Questions of Legal Ethics Suggested by the Life and Career of Lord Chancellor Bacon, Viscount St. Albans."
1906 . . .	RICHARD I. ASHHURST	{ "Some Questions of Administrative Law."
1906 . . .	HAMPTON L. CARSON	{ "Coke Upon Littleton—A Wise Course of Study."
1906 . . .	CLEMENT B. PENROSE	{ "The Legal Aspects of the Trial of Jesus Christ."
1907 . . .	EDWARD J. FOX	{ "The Guaranties of Liberty in the Early Law of Pennsylvania."
1907 . . .	MICHAEL WILLIAM JACOBS . . .	{ }

YEAR	NAME	SUBJECT
1907 . . .	JOHN D. SHAFER	{ "The History of the Law as Part of the Course of Study Required for Admission to the Bar."
1907 . . .	WALTER GEORGE SMITH . . .	{ "Uniform Divorce Laws."
1908 . . .	A. LEO. WEIL	{ "Modern Municipal Conditions and the Lawyers' Responsibility."
1908 . . .	HARMAN YERKES	{ "Some Observations of the Practice of the French Code."
1908 . . .	CHARLES L. MCKEEHAN . . .	{ "Testing Legislative Rate Regulations under the Fourteenth Amendment."
1909 . . .	JOHN W. APPEL	{ "Gibson and a Progressive Jurisprudence."
1909 . . .	WILLIAM W. SMITHERS . . .	{ "Comparative Law as a Practical Science."
1909 . . .	A. J. W. HUTTON	{ "A Judicial Solecism."
1909 . . .	OWEN J. ROBERTS	{ "Full Paid and Non-Assessable."
1910 . . .	HAMPTON L. CARSON	{ "The Genesis of Blackstone's Commentaries and Their Place in Legal Literature."
1910 . . .	H. FRANK ESHLEMAN	{ "The Constructive Genius of David Lloyd in Early Colonial Pennsylvania Legislation and Jurisprudence, 1686 to 1731."
1911 . . .	ROBERT RALSTON	{ "The Delay in the Execution of Murderers."
1911 . . .	JOHN MARSHALL GEST	{ "The Law and Lawyers of Balzac."
1912 . . .	CYRUS G. DERR	{ "The Best of Our Knowledge, Information and Belief."
1912 . . .	HENRY BUDD	{ "Decisions, Reports and Some Reporters."
1913 . . .	JOHN G. JOHNSON	{ "In Memoriam."
1913 . . .	EDWARD LINDSEY	{ "The Need for a Science of Law."
1914 . . .	LOUIS RICHARDS	{ "Jacob Rush and the Early Pennsylvania State Judiciary."
1914 . . .	T. ELLIOTT PATTERSON . . .	{ "The Selection and Drawing of Jurors."

OFFICERS OF THE AMERICAN BAR ASSOCIATION, 1914-1915

President

PETER W. MELDRIM, Savannah, Ga.

Secretary

GEORGE WHITELOCK, Baltimore, Md.

Assistant Secretaries

W. THOMAS KEMP, Baltimore, Md.

GAYLORD LEE CLARK, Baltimore, Md.

Treasurer

FREDERICK E. WADHAMS, Albany, N. Y.

Members of Executive Committee

JOHN H. VOORHEES,	Sioux Falls,	South Dakota.
WILLIAM H. BURGESS,	El Paso,	Texas.
WILLIAM H. STAAKE,	Philadelphia,	Pennsylvania.
WILLIAM C. NIBLACK,	Chicago,	Illinois.
SELDEN P. SPENCER,	St. Louis,	Missouri.
WILLIAM P. BYNUM,	Greensboro,	North Carolina.
CHAPIN BROWN,	Washington,	District of Columbia.

with the President, the retiring President (WILLIAM H. TAFT), the Secretary and the Treasurer, *ex officio*.

Vice-President for Pennsylvania

HENRY J. STEELE, Easton.

Member of General Council for Pennsylvania

WALTER GEORGE SMITH, Philadelphia.

Local Council

JOHN BARRY COLAHAN, JR.,	Philadelphia.
EDWIN W. SMITH,	Pittsburgh.
WILLIAM H. KELIER,	Lancaster.
JOHN S. RILLING,	Erie.

LIST OF BAR ASSOCIATIONS IN PENNSYLVANIA

NAME	PRESIDENT	SECRETARY
PENNSYLVANIA BAR ASSOCIATION.	Henry J. Steele, Easton.	Hon. William H. Staake, Philadelphia.
*ADAMS COUNTY BAR ASSOCIATION.	Hon. Wm. McClean, Gettysburg.	W. C. Sheely, Gettysburg.
ALLEGHENY COUNTY BAR ASSOCIATION.	A. M. Imbrie, Pittsburgh.	Harry G. Tinker, Pittsburgh.
ARMSTRONG COUNTY BAR ASSOCIATION.	H. N. Snyder, Kittanning.	G. A. Walker, Kittanning.
LAW ASSOCIATION OF BEAVER COUNTY.	Frank E. Reader, New Brighton.	Charles R. May, Beaver Falls.
BEDFORD COUNTY BAR ASSOCIATION.	D. Cress Reiley, Bedford.	Harry C. James, Bedford.
BERKS COUNTY BAR ASSOCIATION.	Isaac Hiester, Reading.	Thomas K. Leidy, Reading.
BLAIR COUNTY BAR ASSOCIATION.	William S. Hammond, Altoona.	J. F. Meck, Altoona.
BRADFORD COUNTY BAR ASSOCIATION.	Rodney A. Mercur, Towanda.	Stephen H. Smith, Towanda.
BUCKS COUNTY BAR ASSOCIATION.	Hon. Harman Yerkes, Doylestown.	Henry A. James, Doylestown.
BUTLER COUNTY BAR ASSOCIATION.		Thomas W. Watson, Butler.
CAMBRIA COUNTY BAR ASSOCIATION.	Hon. A. V. Barker, Ebensburg.	H. H. Myers, Ebensburg.
CAMERON COUNTY BAR ASSOCIATION.	Hon. J. C. Johnson, Emporium.	Jay Paul Felt, Emporium.
CARBON COUNTY BAR ASSOCIATION.	Hon. E. M. Mulhearn, Mauch Chunk.	Frank P. Sharkey, Mauch Chunk.
CENTRE COUNTY BAR ASSOCIATION.	Hon. Ellis L. Orvis, Bellefonte.	D. R. Foreman, Bellefonte.
CHESTER COUNTY LAW AND MISCELLANEOUS LIBRARY ASSOCIATION.	William M. Hayes, West Chester.	Thomas Lack, West Chester.
CLARION BAR ASSOCIATION.	A. A. Geary, Clarion.	W. D. Burns, Clarion.
CLEARFIELD COUNTY LAW ASSOCIATION.	Hon. Singleton Bell, Clearfield.	Alfred M. Liveright, Clearfield.
*CLEARFIELD LAW LIBRARY ASSOCIATION.	Hon. Allison O. Smith, Clearfield.	Alfred M. Liveright, Clearfield.
CLINTON COUNTY BAR ASSOCIATION.	W. C. Kress, Lock Haven.	Howard M. Council, Lock Haven.
COLUMBIA COUNTY BAR ASSOCIATION.	A. W. Duy, Bloomsburg.	H. Mont. Smith, Bloomsburg.
CRAWFORD COUNTY BAR ASSOCIATION.	B. B. Pickett, Meadville.	E. Lowry Humes, Meadville.
*CUMBERLAND COUNTY BAR ASSOCIATION.	James W. Eckels, Carlisle.	Jasper Alexander, Carlisle.

NAME	PRESIDENT	SECRETARY
DAUPHIN COUNTY BAR ASSOCIATION.	John H. Shopp, Harrisburg.	Job J. Conklin, Harrisburg.
DELAWARE COUNTY BAR ASSOCIATION.	George E. Darlington, Media.	Joshua C. Taylor, Chester.
ELK COUNTY BAR ASSOCIATION.	Hon. Harry Alvan Hall, Ridgway.	Fred W. McFarlin, Ridgway.
ERIE COUNTY BAR ASSOCIATION.	U. P. Rossiter, Erie.	William B. Walling, Erie.
FAYETTE COUNTY BAR ASSOCIATION.	W. J. Sturgis, Uniontown.	C. A. Rhoads, Uniontown.
FOREST BAR ASSOCIATION.	T. F. Ritchey, Tionesta.	S. D. Irwin, Tionesta.
FRANKLIN COUNTY BAR ASSOCIATION.	O. C. Bowers, Chambersburg.	Loren A. Culp, Chambersburg.
*FULTON COUNTY BAR ASSOCIATION.	J. Nelson Sipes, McConnellsburg.	W. Scott Alexander, McConnellsburg.
HUNTINGDON COUNTY BAR ASSOCIATION.	J. R. Simpson, Huntingdon.	James S. Woods, Huntingdon.
INDIANA COUNTY LAW ASSOCIATION.	J. N. Banks, <i>Chancellor</i> , Indiana.	Elder Peelor, Indiana.
JEFFERSON COUNTY BAR ASSOCIATION.	E. A. Carmalt, Brookville.	Raymond E. Brown, Brookville.
JUNIATA COUNTY BAR ASSOCIATION.	Benjamin F. Burchfield, Mifflintown.	F. M. M. Pennell, Mifflintown.
*LACKAWANNA LAW AND LIBRARY ASSOCIATION.	Hon. Henry A. Knapp, Scranton.	James E. Davis, Scranton.
LANCASTER BAR ASSOCIATION.	Hon. W. U. Hensel, Lancaster.	John W. Appel, Lancaster.
LAWRENCE COUNTY BAR ASSOCIATION.	Richard F. Dana, New Castle.	William W. Stevenson, New Castle.
LEBANON COUNTY BAR ASSOCIATION.	Charles M. Zerbe, Lebanon.	E. W. Miller, Lebanon.
BAR ASSOCIATION OF LEHIGH COUNTY.	Hon. M. C. Henninger, Allentown.	Francis G. Lewis, Allentown.
LYCOMING LAW ASSOCIATION.	N. M. Edwards, Williamsport.	H. C. Fithian, Williamsport.
McKEAN COUNTY BAR ASSOCIATION.	E. L. Keenan, Smethport.	Guy B. Mayo, Smethport.
MERCER COUNTY BAR ASSOCIATION.	J. D. Emery, Mercer.	T. A. Sampson, Mercer.
MIFFLIN COUNTY BAR ASSOCIATION.	Thomas M. Uttley, Lewistown.	Michael M. McLaughlin, Lewistown.
*MONTGOMERY COUNTY BAR ASSOCIATION.		Wm. F. Dannewer, Norristown.
MONTOUR COUNTY BAR ASSOCIATION.	Henry M. Hinckley, Danville.	Charles V. Amerman, Danville.
NORTHAMPTON COUNTY BAR ASSOCIATION.	Hon. J. Davis Brodhead, South Bethlehem.	David Bachman, Easton.
NORTHUMBERLAND COUNTY LAW ASSOCIATION.	W. W. Ryon, Shamokin.	Charles Morganroth, Shamokin.

NAME	PRESIDENT	SECRETARY
PERRY COUNTY BAR ASSOCIATION.	Hon. W. N. Seibert, New Bloomfield.	Walter W. Rice, New Bloomfield.
LAW ASSOCIATION OF PHILADELPHIA.	Hon. H. L. Carson, <i>Chancellor</i> , Philadelphia.	Meredith Hanna, Philadelphia.
LAWYERS' CLUB OF PHILADELPHIA.	Francis Shunk Brown, Philadelphia.	Henry C. Thompson, Jr., Philadelphia.
POTTER COUNTY BAR ASSOCIATION.	Hon. John Ormerod, Coudersport.	A. N. Crandall, Coudersport.
LAW ASSOCIATION OF SCHUYLKILL COUNTY.		Wesley K. Woodbury, Pottsville.
SNYDER COUNTY BAR ASSOCIATION.	Charles P. Ulrich, Selin's Grove.	Jay G. Weiser, Middleburg.
SOMERSET COUNTY BAR ASSOCIATION.	Herman L. Baer, Somerset.	H. Frank Yost, Somerset.
SULLIVAN COUNTY BAR ASSOCIATION.	John G. Scouten, Dushore.	Wm. P. Shoemaker, La Porte.
SUSQUEHANNA COUNTY LEGAL ASSOCIATION.	Andrew B. Smith, Montrose.	Charles L. Van Scoten, Montrose.
TIOGA COUNTY BAR ASSOCIATION.	S. F. Channell, Wellsboro.	Alfred J. Shattuck, Wellsboro.
UNION COUNTY BAR ASSOCIATION.	Andrew A. Leiser, Lewisburg.	Curtis C. Leshner, Lewisburg.
VENANGO COUNTY BAR ASSOCIATION.	Hon. Robert F. Glenn, Franklin.	John L. Nesbit, Franklin.
WARREN COUNTY BAR ASSOCIATION.	W. H. Allen, Warren.	Sidney D. Blackman, Warren.
WASHINGTON BAR ASSOCIATION.	A. M. Linn, Washington.	Edgar B. Murdock, Washington.
WAYNE BAR ASSOCIATION.	Homer Greene, Honesdale.	R. M. Stocker, Honesdale.
*WAYNESBURG BAR ASSOCIATION.	Hon. J. B. Donley, Waynesburg.	James J. Purman, Waynesburg.
WESTMORELAND LAW ASSOCIATION.	Paul H. Gaither, Greensburg.	Ralph D. Hurst, Greensburg.
WILKES-BARRE LAW AND LIBRARY ASSOCIATION.	Alexander Farnham, Wilkes-Barre.	Joseph D. Coons, Wilkes-Barre.
WYOMING COUNTY BAR ASSOCIATION.	James Wilson Piatt, Tunkhannock.	H. Stanley Harding, Tunkhannock.
YORK COUNTY BAR ASSOCIATION.	John E. Vandersloot, York.	Frederick B. Gerber, York.

NOTE.—Where no replies have been received up to the time of going to print, the officers for 1913, are given and indicated by a star. 72

BY-LAWS
of the
Pennsylvania Bar Association

**As Amended at the Annual Meetings of 1896, 1897, 1904, 1910
and 1914**

I.—Objects.

SEC. 1. This Association is formed to advance the science of jurisprudence; to promote the administration of justice; to secure proper legislation; to encourage a thorough legal education; to uphold the honor and dignity of the Bar; to cultivate cordial intercourse among the lawyers of Pennsylvania; and to perpetuate the history of the profession and the memory of its members.

SEC. 2. It shall not take any partisan political action, nor endorse or recommend any person for any official position.

II.—Members.

SEC. 3. Those members of the Bar who signed the call for the convention at which this Association was formed, or who attended any meeting thereof, or who shall before the adjournment of the meeting held at Bedford Springs, July 10-11, 1895, pay the admission fee, and sign, or cause to be signed for them, a roll containing the charter and by-laws, are hereby declared to be active members of this Association.

SEC. 4. Any member of the Bar of the Supreme Court or Superior Court of Pennsylvania, residing or practicing in this State; any State or Federal Judge residing in this State; and any professor in a regularly organized law school in this State; who shall comply with the requirements hereinafter set forth, may become an active member upon approval by a majority of the Committee on Admissions.

SEC. 5. All applications for membership must be in writing, signed by the applicant, stating, *inter alia*, his name, age, residence and date of admission to practice in the Supreme Court or Superior Court, commission to the Bench, or appointment as professor in a regularly organized law school in the State; and endorsed by three or more members of the Association, and must be accompanied by the usual admission fee.

SEC. 6. (*Abolished.*)

SEC. 7. A list of applications admitted by the Committee on Admissions during the interim of the meetings of the Association, shall be reported at each annual meeting.

SEC. 8. Rejected applicants shall not be again proposed within one year after their rejection.

SEC. 9. Distinguished non-resident lawyers may be elected honorary members by a vote of the Association, and shall have a voice, but no vote, at meetings of the Association.

III.—*Officers.*

SEC. 10. The officers shall be a President, a first, second, third, fourth and fifth Vice-Presidents, a Secretary and a Treasurer. The offices of Secretary and Treasurer may be held by one person.

SEC. 11. The President shall preside at all meetings of the Association, and shall deliver at the annual meeting an appropriate address, with particular reference to any statutory changes in the State of public interest, and any needed changes suggested by judicial decisions during the year.

SEC. 12. The Vice-Presidents, according to number, shall act, when required, in the place of the President.

SEC. 13. The Secretary shall keep a record of the proceedings of the Association, and of such other matters as may be directed to be placed on the files of the Association; he shall keep an accurate roll of the officers and members, and notify them of their election or appointment on committees; he shall issue notices of all meetings; furnish the Treasurer with the names and addresses of persons elected members; conduct the correspondence of the Association; and keep its seal. He shall report to the Executive Committee, prior to the annual meeting, a summary of his transactions during the year; and shall perform such other duties as may be required of him by the Association, the President, or the Executive Committee. His books and papers shall at all times be open to the inspection of the Executive Committee, and he shall receive such compensation as shall be allowed by that committee.

SEC. 14. The Treasurer shall keep an accurate roll of the active members of the Association; notify members of their election to membership; collect, keep careful and regular book accounts of, and expend, under direction of the Association or the Executive Committee, all moneys of the Association; and shall exhibit at the annual meeting, and when directed by the Association or the Executive Committee, detailed statements of the moneys received and expended, the amounts due to and by the Association, and an estimate of the resources and expenditures for the ensuing year. His books and accounts shall at all times be subject to examination and audit by the Executive Committee, or by any special committee appointed for that purpose. He shall give bond in such sum as shall be required by the Executive Committee, and shall receive such compensation as that committee shall allow.

SEC. 15. Vacancies in the offices of the Association shall be filled by the Executive Committee, but no appoint-

ment shall be made to the office of President while any Vice-President is able and willing to serve.

IV.—*Elections.*

SEC. 16. The officers of the Association shall be elected at the annual meeting to serve for one year and until their successors are chosen.

SEC. 17. No member shall be elected President for two successive terms.

SEC. 18. Two persons residing in the same county shall not serve as Vice-Presidents at the same time; but, as far as practicable, they shall severally be chosen from different sections of the State. If two from the same county are elected at one time, the one having the lowest vote shall be rejected, and a new vote taken to fill the office.

V.—*Meetings.*

SEC. 19. The annual meeting shall be held at such time and place as the Association shall determine at the preceding annual meeting. And in default of such selection, or in the event of the time and place fixed by the Association becoming impracticable, the Executive Committee shall make the selection.

SEC. 20. Adjourned meetings shall be held at such time and place as the Association shall determine.

SEC. 21. Special meetings shall be called by the Secretary, when requested in writing by the President, the Executive Committee, or fifty members of the Association. Such request shall specify the purpose of the meeting. At special meetings no business shall be transacted except that stated in the call, unless by consent of four-fifths of the members present and voting.

SEC. 22. At all meetings fifty members shall constitute a quorum for the transaction of business.

SEC. 23. At least one month's notice shall be given of the annual meeting, and ten days' notice of adjourned or special meetings, by letter mailed to the last known address of each member.

SEC. 24. The Executive Committee shall arrange for the reading of appropriate papers at the annual meeting, and for the discussion thereof. So far as practicable, notice thereof shall be given to the members in the call for the meeting.

SEC. 25. At all meetings of the Association the order of business shall be as arranged by the Executive Committee, subject, however, to such changes as the Association may make therein.

SEC. 26. Except as herein otherwise provided, the meetings shall be conducted according to the usual parliamentary rules; but, without leave of the Association, no member shall be permitted to speak more than ten minutes at any one time, or more than twice on the same subject.

SEC. 27. Except by leave of the Association no one not a member shall be allowed on the floor while the meetings are in progress.

SEC. 28. No complimentary resolution shall be entertained relative to the reading of any paper by, or to the performance of any act or duty by, any officer or member of the Association.

SEC. 29. A stenographer shall be selected by the Executive Committee to report the proceedings of each meeting; and those proceedings, together with any papers read at the meeting, shall be printed, and a copy thereof sent to each member. Copies shall also be sent to every

Law Library in the State, to every other State Bar Association extending a like courtesy to this Association, and to every National Bar Association.

VI.—Committees.

SEC. 30. The Standing Committees shall be an Executive Committee, a Committee on Admissions, a Committee on Grievances, a Committee on Law Reform, a Committee on Uniform State Laws, a Committee on Legal Education, and a Committee on Legal Biography.

SEC. 31. The Executive Committee shall consist of twenty-one members, who shall be elected by the Association, and who shall act as Trustees, exclusive of the President, Secretary and Treasurer, who shall be *ex-officio* members. They shall have general management of the affairs of the Association, make arrangements for meetings, including, as far as may be, the obtaining of reasonable accommodations at, and of reasonable transportation to and from, the place of meeting; shall order the disbursement of the funds of the Association; audit the accounts, and have such other powers as may be conferred on them by these by-laws or by a vote of the Association.

SEC. 32. The Committee on Admissions shall consist of nine members, chosen from different sections of the State. All applications for membership shall be referred to this committee. They shall report to the Association the names of such persons as they deem suitable for membership, and shall seek to bring in all the lawyers of the State fitted to become members. What occurs at the meetings of this committee shall be considered confidential, except such matters as shall be publicly reported to the Association. Any ten members may appeal, in writing, to the Association from the failure or refusal of this committee to report favorably any application for membership.

SEC. 33. The Committee on Grievances shall consist of five members. They shall hear all complaints preferred by one member against another for misconduct in his relations to the profession or to this Association, provided the same be in writing, particularly stating the matters complained of, and signed by the complainant. They may also hear any specific complaints made affecting the interest of the profession, the practice of law or the administration of justice; and may report thereon to the Association, with such recommendations as they deem advisable. No report shall be made adversely to any member until after notice to him, with full opportunity to defend and to meet his accusers and witnesses face to face. The adverse action of this Committee must be approved by a vote of not less than two-thirds of the members present and voting. What occurs at the meetings of this Committee shall be considered confidential except such matters as shall be publicly reported to the Association.

SEC. 34. The Committee on Law Reform shall consist of eleven members, chosen from different sections of the State. They shall consider and report to the Association such amendments of the law as they shall deem beneficial, oppose such as they shall deem injurious, observe the practical working of the judicial system of the State, and recommend from time to time such action as they shall deem best.

SEC. 35. The Committee on Uniform State Laws shall consist of three members, and shall examine and report annually on such measures of uniform State legislation as may be recommended by the State Board of Commissioners for promoting uniformity of legislation in the United States, and such other matters relating thereto as may be referred to them.

SEC. 36. The Committee on Legal Education shall consist of one member from each judicial district of the

State. They shall report from time to time such changes as they shall deem it is expedient to make in the system of legal education and of admission to the practice of law in the State.

SEC. 37. The Committee on Legal Biography shall consist of one member from each judicial district of the State. They shall provide for the preservation, among the records of the Association, of such facts relating to the history of the profession as may be of interest, and of suitable memorials of the lives and characters of deceased members of the Association.

• SEC. 38. Unless otherwise provided for hereby, or by the Association, all committees and vacancies therein shall be filled by appointment of the President. Special committees shall serve until they have been discharged by a vote of the Association. Standing committees shall serve until the expiration of the next annual meeting, and the appointment of their successors. All committees may by a majority vote of the whole committee substitute some other chairman than the one appointed, may elect such other officers as they deem necessary, make rules for their government, and keep minutes of their proceedings, and shall make annual reports to the Association. They may provide that matters requiring attention between meetings may be voted on by letter, and that a failure of any member to attend three successive meetings shall cause his membership in the committee to become vacant. The rules adopted by one standing committee shall govern the succeeding committees until altered thereby.

SEC. 39. Such other committees may be appointed or elected from time to time as shall be deemed expedient; but except by a vote of the Association, no matter shall be referred to a special committee which is within the province of any of the Standing Committees.

SEC. 40. In committees of nine or more, five shall constitute a quorum for the transaction of business; and in committees of less than nine, a majority shall constitute a quorum. In case of necessity, the annual report of the Standing Committees may be prepared and adopted by less than a quorum.

VII.—*Dues.*

SEC. 41. The current year of the Association shall commence on the first day of July, and the annual dues shall be payable on that date. Active members shall pay five dollars per year. The admission fee of five dollars shall include the first year's dues. Honorary members shall pay no admission fee or dues.

SEC. 42. The Treasurer shall, after diligently seeking to collect the same, and with notice to the member of this by-law, report to the Executive Committee the names of all members who are one year in arrears for their dues, and that committee may, by rule or direct vote on that report, declare that, by reason thereof, such persons have ceased to be members of the Association.

VIII.—*Penalties.*

SEC. 43. Any member may be suspended or expelled for misconduct in matters connected with the Association, or in his personal or professional relations, after conviction thereof by the Committee on Grievances and the approval of such conviction by this Association.

SEC. 44. Conviction of any member for crime shall at once work a forfeiture of membership in the Association, which forfeiture shall continue until such conviction be set aside or reversed; but if it shall afterwards be made to appear that such member was wrongfully convicted, he may

be re-elected to membership upon recommendation of the Committee on Admissions.

SEC. 45. If any member is disbarred from practice in the Supreme Court, or from the courts of the county in which he resides, such disbarment shall work a forfeiture of his membership, until the disbarment be set aside or reversed. Reinstatement to practice shall not reinstate to membership, unless by a vote of the Association, upon recommendation of the Committee on Admissions.

SEC. 46. A member's interest in the property of the Association shall cease with his membership.

IX.—*Amendments.*

SEC. 47. Amendments may be made to these by-laws only at an annual meeting, and by a vote of two-thirds of the members present; and no amendment shall be considered (except by unanimous consent of those present) unless a copy of the same shall have been sent to the Secretary, and notice of the intention to offer the same shall have been included in the call for the annual meeting.

RESOLUTION

Adopted at the Thirteenth Annual Meeting of the Pennsylvania Bar Association at Bedford Springs, June 25, 1907:

Resolved, That it be adopted as a standing rule that at all meetings and banquets of the Pennsylvania Bar Association the National and State flags shall be displayed, and the Executive Committee shall see that this rule is carried out.

INDEX

	PAGE
Acts—	
Requiring bills and answers in equity to be sworn to, and abolishing the rule that the averments of a responsive answer must be overcome by the testimony of two witnesses, etc.—	
Enacted and approved	88
Providing what effect shall be given to admission to practice in the Supreme Court—	
Vetoed by the Governor.....	88
Again recommended by Association.....	191
Providing that no judgment shall be set aside, etc., unless the error complained of has injuriously affected the substantial rights of the parties—	
Reported by Committee on Law Reform.....	90
Amended	192
Recommended by Association.....	192
Text as amended.....	193
Relating to the revival of the lien of a judgment, etc.—	
Reported by Committee on Law Reform.....	91
Amended	189
Recommended by Association.....	190
Relating to practice—	
Submitted by Committee on Law Reform.....	93
Discussion of questions involved	193
Committee on Law Reform authorized to draft Act and present it to Legislature.....	213
Relative to wills executed without this State.....	155
To increase the powers of courts in summary proceedings for desertion or non-support, etc.	156
Addresses—	
Annual	188, 263
President's	3
Lists of	424, 425
Admissions, Committee on. See Committees.	
Admissions to Association	150, 243

	PAGE
American Bar Association—	
Report of delegates to.....	181
Appointment of delegates to, left to President.....	236, 257
Delegates to	419
Officers of	429
Statement by the Secretary.....	186
Annual Address—	
“Government by Administrative Commission, a Democratic Paradox”—George W. Wickersham.....	188, 263
Annual Addresses, List of.....	425
Arrangements, Committee on. See Committees.	
Auditing Committee. See Committees.	
Banquet	262
Bar Associations—	
List of, in Pennsylvania.....	430
American. See American Bar Association.	
Virginia State, Address of Hampton L. Carson before....	39, 254
Reports of, in State Library.....	74
Basehore, Samuel E.—	
Elected Treasurer	245
Statement at mid-winter meeting.....	82
Report as Treasurer.....	68
Biographical Sketches	110
By-Laws—	
Amended	214, 236
Text as amended.....	433
Carson, Hampton L.—	
President's Address	3
Address before Virginia State Bar Association.....	39, 254
Portrait	3
Committees—	
Lists of	412, 413, 417
Executive—	
Report of	80
Election of	245
Members of	412

	PAGE
Law Reform—	
Report of	87
Consideration of Report.....	189
Members of	413
Admissions—	
Reports of	150, 243
Members of	413
Grievances—	
Report of	153
Consideration of report.....	214, 234, 236
Members of	413
Uniform State Laws—	
Report of	155
Members of	413
Legal Education—	
Report of	101
Members of	414
Legal Biography—	
Report of	107
History of deceased members of the Bar.....	110
Appropriation to	214
Members of	415
Contingent Fees. Special Committee—	
Report from	156, 216
Consideration postponed	217
Members of	417
Revision and Unification of Statutes. Special Committee—	
Report of	158
Members of	417
Reform in Township Law. Special Committee—	
Report of	161
Consideration of report	217
Report referred back to Committee.....	231
Members of	417
Revision and Amendment of Penal Laws. Special Committee—	
Report of	178
Consideration of report.....	231, 235
Committee continued	235
Members of	417

	PAGE
Return days in Appellate Courts. Special Committee—	
Committee continued	180
Members of	417
Increase of Membership. Special Committee—	
Motion for creation of	258
Members of	418
To receive complaints, etc., against corporations, etc., practicing law without authority. Special Committee—	
Resolution for appointment.....	257
Members of	418
On advisability of removing the grant of liquor licenses from the Courts. Special Committee—	
Resolution for appointment.....	259, 261
Members of	418
Nominations—	
Appointed	187, 189
Report of	244
<i>Committee Appointed by Executive Committee—</i>	
Committee on Arrangements.....	82, 86
Auditing Committee	71, 72, 84
Committee on Securing New Members.....	78, 83, 258
Comparative Law Bureau—	
Appointment of delegates left to President.....	233, 236, 257
Appropriation for renewal of membership in.....	233
Delegates to	419
Complaints, etc., against corporations, etc., practicing law without authority, Committee to Receive. See Committees.	
Contingent fees, Committee on. See Committees.	
Deceased Members, List of.....	406
Deceased members of Bar, (biographical sketches).....	110
Election of officers	245, 250
Erie, members registering at.....	348
Executive Committee. See Committees.	
“Government by Commission, a Democratic Paradox.” Annual Address by George W. Wickersham.....	188, 263

	PAGE
Grievances, Committee on. See Committees.	
Honorary Members	354
Increase of Membership, Committee on. See Committees.	
Law Journals publishing notices of the Association—	
List of	77
Resolution of thanks to.....	80
Law Reform, Committee on. See Committees.	
Legal Biography, Committee on. See Committees.	
Legal Education, Committee on. See Committees.	
Liquor Licenses, Committee on Removing Grant of from the	
Courts. See Committees.	
Lists—	
Annual Addresses	425
Bar Associations in Pennsylvania.....	430
Deceased Members	406
Delegates to American Bar Association.....	419
Delegates to Comparative Law Bureau.....	419
Honorary Members	354
Meetings of Association.....	423
Members registering at Erie.....	348
Members, Alphabetical	382
Members by Counties	354
Officers, 1914-1915	412
Officers American Bar Association.....	429
Papers read	426
Presidents	420
Presidents' Addresses	424
Secretaries	422
Special Committees	417
Standing Committees	413
Treasurers	423
Vice-Presidents	420
Meetings of Association, List of.....	423
Members—	
Alphabetical list	382
By Counties	354
Registering at Erie	348
Deceased	406
Honorary	354
Number of	72

	PAGE
Mid-winter Meeting (Executive Committee Report)	81
Minutes—	
Reading of, omitted	67
Nominations, Committee on. See Committees.	
Officers—	
Election of	245, 250
List of, 1914-15	412
Of American Bar Association	429
Local Bar Associations in Pennsylvania	430
Papers Read—	
“Jacob Rush and the Early Pennsylvania State Judiciary”—	
Louis Richards	234, 295
“The Selection and Drawing of Jurors”—	
T. Elliott Patterson	234, 316
List of	426
Patterson, T. Elliott—	
Paper by—“The Selection and Drawing of Jurors”	234, 316
Portrait	316
“Place Occupied by the Judiciary in Our American Constitutional System, The”—	
Address before Virginia State Bar Association by Hampton L. Carson	39, 254
Portraits—	
Hampton L. Carson	3
George W. Wickersham	263
Louis Richards	295
T. Elliott Patterson	316
Presidents' Addresses, List of	424
President's Address—Hampton L. Carson	3
Presidents, List of	358
Program of Meeting	85
Reception Committee. See Committees.	
Reform in Township Law, Committee on. See Committees.	

	PAGE
Reports—	
Secretary's	73
Treasurer's	68
Delegates to American Bar Association.....	181
See Committees.	
Resolutions—	
Thanks to Law Journals publishing notices of the Association	80
Thanks to University of Pennsylvania.....	150
Thanks to Bench, Bar, etc., of Erie.....	250
Return Days in Appellate Courts, Committee on. See Committees.	
Richards, Louis—	
Paper by—"Jacob Rush and the Early Pennsylvania State Judiciary"	234, 295
Portrait	295
"Rush, Jacob, and the Early Pennsylvania State Judiciary"—	
Paper by Louis Richards.....	234, 295
Secretaries, List of	422
Secretary's Report	73
Securing New Members, Committee on. See Committees.	
"Selection and Drawing of Jurors, The"—	
Paper by T. Elliott Patterson.....	234, 316
Special Committees. See Committees.	
Staake, William H.—	
Report as Secretary.....	73
Reëlected Secretary	245
Standing Committees. See Committees.	
State Library, Reports of Bar Associations in.....	74
Steele, Henry J.—	
Elected President	250, 254, 256
Superior Court, Seniority of Judges of, referred to Committee on Law Reform	211
Thanks, Resolutions of—	
To publishers of law journals.....	80
To University of Pennsylvania.....	150
To Bench, Bar, etc., of Erie.....	250

	PAGE
Toasts at Banquet.....	262
Township Law. See Committee on Reform in Township Law.	
Treasurer's Report	68
Treasurers, List of.....	423
Uniform State Laws, Committee on. See Committees.	
University of Pennsylvania, Resolution of thanks to.....	150
Vice-Presidents, List of	420
Virginia State Bar Association, Address by Hampton L. Carson before	39, 254
Wickersham, George W.—	
Annual Address	188, 263
Elected honorary member	188
Portrait	263

Stanford Law Library



3 6105 063 335 009



203019

